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JOURNAL

OF THE

New York (State)
Constitutional Convention

OF THE

STATE OF NEW YORK.

1894.

REVISED AND INDEXED.

JOHN PALMER, SECRETARY OF STATE.

JAMES A. ROBERTS, COMPTROLLER.

THEODORE E. HANCOCK, ATTORNEY-GENERAL.

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JOURNAL

OF THE

CONSTITUTIONAL CONVENTION.

STATE OF NEW YORK:
ASSEMBLY CHAMBER, CITY OF ALBANY,
TUESDAY, MAY 8, 1894.

Pursuant to the acts of the Legislature of this State, entitled "An Act to amend chapter 398, of the Laws of 1892, entitled 'An Act to provide for a convention to revise and amend the Constitution,'" which is in words following:

AN ACT to amend chapter three hundred and ninety-eight of the laws of eighteen hundred and ninety-two, entitled "An act to provide for a convention to revise and amend the constitution."

Approved by the Governor January 27, 1893. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Chapter three hundred and ninety-eight of the laws of eighteen hundred and ninety-two, entitled "An act to provide for a convention to revise and amend the constitution," is hereby amended so that all of said chapter after the enacting clause thereof shall read as follows:

Day of election.

§ 1. At the next general election to be held on the first Tuesday after the first Monday of November, eighteen hundred and ninety-three, delegates shall be elected to meet in convention to revise the constitution of this state and to amend the same.

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Number of delegates.

§ 2. The number of delegates to such convention shall be one hundred and seventy-five. One hundred and sixty thereof shall be elected by senate districts and shall be known as district delegates. Each senate district shall be entitled to elect five district delegates. Fifteen delegates shall be elected for the state-at-large and shall be known as delegates-at-large.

Method of election.

§ 3. Each person entitled by law to vote for member of assembly at such election shall be entitled to vote thereat for five district delegates and fifteen delegates-at-large, in his election district and not elsewhere. The five persons receiving the highest number of votes for district delegates in each senate district shall be elected district delegates. The fifteen persons receiving the highest number of votes in the state for delegates-at-large shall be elected delegates-at-large.

Nominations of delegates.

§ 4. All laws not inconsistent with this act regulating the nomination of candidates to be elected by the electors in a senate district at a general election shall be applicable to the nomination of district delegates, and all laws not inconsistent with this act, regulating the nomination of candidates for state offices to be elected at a general election shall be applicable to the nomination of delegates-at-large. No certificate of nomination of candidates for district delegates shall name more than five candidates for district delegates, and no certificate of nomination for delegates-at-large shall name more than fifteen candidates for delegates-at-large.

Printing of ballots ; canvass of votes.

§ 5. All laws not inconsistent with this act regulating the printing of the ballots and canvass of the votes for officers to be elected by the electors of a senate district at a general election shall be applicable to the printing of the ballots and the canvass of the votes for district delegates in each senate district, and regulating the printing of the ballots and canvass of the votes for state officers at a general election shall be applicable to the printing of the ballots and canvass of the votes for delegates-at-large; and the names of the fifteen candidates nominated as

hereinbefore provided shall be printed upon the official ballots of the two parties hereinbefore referred to in section three of this act.

General election laws applicable.

§ 6. All laws not inconsistent with this act regulating the election of public officers at general elections shall be applicable to the election of the delegates to such convention.

Qualifications of delegates ; vacancies.

§ 7. The electors may elect as a delegate any male or female citizen of this state above the age of twenty-one years. In case a vacancy occurs by reason of death, resignation or otherwise, of any district delegate so elected, the same shall be filled at a special election in the same manner as a vacancy in the office of a state senator, and all the provisions of law relating to special elections, so far as the same are applicable, shall apply to the cases of vacancy in the office of district delegates herein provided for, except that nothing herein contained shall limit the time within which such election shall be held under this act. And in case a vacancy occurs in the office of delegate-at-large by reason of the death, resignation or otherwise, of any such delegate, the same may be filled, if the convention so direct, by special election, in the same manner as a vacancy in the office of a state officer.

Meeting; officers and employes of convention.

§ 8. The delegates so chosen shall meet in convention in the assembly chamber at the capitol, in the city of Albany, on the second Tuesday of May, eighteen hundred and ninety-four, at eleven o'clock in the forenoon. They shall, by ballot, elect one of their number president, and shall choose, in such a manner as they see fit, one secretary, who may appoint three assistants. The president of the convention may appoint a librarian and one assistant, not exceeding eight doorkeepers and fifteen messengers, and shall administer the constitutional oath of office to all officers of the convention. The convention may elect a stenographer and fix the amount of his compensation, also a sergeant-at-arms and one assistant. The delegates to the convention shall be entitled to the sum of ten dollars per day for every day from the first day to the last day of the session thereof, subject to such rules as to non-attendance as the convention may

adopt, and the same mileage as is now paid to the members of the legislature, but no per diem shall be paid for any recess longer than three days at one time, nor for any services rendered after the fifteenth day of September, eighteen hundred and ninety-four. The secretary shall receive ten dollars per day and the assistants six dollars per day and mileage as aforesaid, and the doorkeepers and messengers, librarian and an assistant sergeant-at-arms and assistants, shall receive the same compensation as provided by law for similar services and attendance upon the assembly. The amount of pay shall be certified by the president of the convention and shall be paid by the treasurer of the state on the warrant of the comptroller, in the same manner as members of the legislature are paid. It shall be the duty of the secretary of state to attend said convention at the opening thereof, and to call the roll thereof, to administer the constitutional oath of office to the members, and to preside at all meetings thereof until a president has been elected and has taken his seat. But the secretary of state shall have no vote therein. All public officers, boards and commissions shall furnish such convention with all such information, papers, statements, books or other public documents in their possession as the said convention shall order or require for its use from time to time while in session, and it shall be the duty of the comptroller to furnish the members thereof with stationery to the amount provided by law for members of the legislature while in session, and to the convention such stationery and file-boards and other like things as are furnished to the two houses of the legislature. And such convention may adopt such rules and regulations for its own government as a majority of its members may determine, and it shall be the judge of the election and qualification of its own members. And it shall be the duty of the secretary of state, attorney-general and comptroller, who shall be in office on the first day of January, eighteen hundred and ninety-four, to cause to be prepared and ready for said convention, at the commencement of its session, a suitable manual, two copies of which shall be furnished to each member and officer of the said convention, and the expense of which shall be paid by the treasurer upon the warrant of the comptroller.

Proceedings in convention ; privileges of delegates.

§ 9. A journal of the proceedings of said convention shall be kept and shall be daily printed and given to each member, and shall at the final adjournment thereof, be filed in the office of the secretary of state, and the amendments to the present constitution, or the constitution agreed to by said convention shall be recorded in his office. A majority of the convention shall constitute a quorum to do business. The doors of the convention shall be kept open to the public during all its sessions. Every delegate to the convention shall be privileged from arrest on civil process during his attendance at the session of the convention, except on process issued in any suit brought against him for any forfeiture, misdemeanor or breach of trust in any office or place of public trust held by him. Each delegate shall enjoy the like privilege for the space of fourteen days before and after any such session, and during adjournments thereof. Each delegate shall enjoy the like privilege while absent with leave of the convention. No officer of the convention, while in actual attendance upon the same, shall be liable to arrest on civil process. For any speech or debate in the convention the members shall not be questioned in any other place. The convention shall have the power to expel any of its members and to punish its members and officers for disorderly behavior by imprisonment or otherwise, but no member shall be expelled until the report of a committee appointed to inquire into the facts alleged as the ground for his expulsion shall have been made. The convention shall have the power to punish as a contempt and by imprisonment, or otherwise a breach of its privileges, or of the privileges of its members; but such powers shall not be exercised, except against persons guilty of one or more of the following offenses :

1. The offense of arresting a member or officer of the convention in violation of his privilege from arrest, as hereinbefore declared.
2. That of disorderly conduct in the immediate view and presence of the convention and directly tending to interrupt its proceedings.
3. That of publishing any false and malicious report of the proceedings of the convention, or of the conduct of a member in his delegated capacity.

4. That of refusing to attend or be examined as a witness, or to produce papers and documents called for by subpoena, either before the convention or a committee, or before any person authorized by the convention or by a committee, to take testimony in the proceedings of the convention.

5. That of giving or offering a bribe to any member or of attempting by menace or any other corrupt means or device, directly or indirectly, to control or influence a member in giving his vote or to prevent him from giving the same. In all cases in which the convention shall punish any of its members or officers, or any other person, by imprisonment, such imprisonment shall not extend beyond the session of the convention. Every person appointed to the office of secretary of the convention shall, before he enters on the duties of his office, execute a bond to the people of this State, with such security as the comptroller shall approve in the penal sum of twenty-five thousand dollars, conditioned that he shall faithfully perform the duties of his office, and account for all moneys which may come to his hands by virtue thereof.

Submission to the People.

§ 10. The said amendments or revised constitution shall be submitted by the convention to the people for their adoption or rejection at the general election in November, eighteen hundred and ninety-four, and all laws providing for or regulating the submission of constitutional amendments, and all laws regulating general elections so far as the same are applicable and not inconsistent with the terms of this act, shall apply to such election; and every person entitled to vote for member of assembly may at that election vote on such adoption or rejection in the election district in which he shall then reside and not elsewhere. The said amendments or the said constitution shall be voted upon as a whole or in such separate propositions as the convention shall deem practicable and as the convention shall by resolution declare. All the provisions of the laws of this state in relation to the election of officers at a general election not inconsistent herewith shall apply to the voting thereon, so far as the same can be made applicable thereto; and the votes so given shall be canvassed and all the proceedings shall be had in regard to them, as nearly as practicable, in the manner prescribed by law in respect to the votes given for

governor. And when it shall be ascertained by the board of state canvassers under the foregoing provisions that any proposition submitted as aforesaid has received more votes in its favor than have been cast against the same, then that proposition shall be declared to be adopted, either as the constitution, a part of the constitution or an amendment to the present constitution, as the case may be, and said board of state canvassers shall determine and declare by certificate, in writing, to be filed and recorded in the office of the secretary of state, the constitution as adopted, revised or amended and the same shall take effect from and after the thirty-first day of December, eighteen hundred and ninety-four, unless the said convention shall prescribe some other time on which the same shall take effect, and the convention may in its discretion, by resolution, fix a time other than the foregoing ; and each of the said amendments which shall not receive a majority of all the votes given upon it at the same election, shall be void and of no effect.

Perjuries.

§ 11. All willful and corrupt false swearing, in taking any of the oaths prescribed by this act, or by the laws of this state made applicable to this act, or in any other mode or form in carrying into effect this act, shall be deemed perjury, and shall be punished in the manner now prescribed by law for willful and corrupt perjury.

Printing and Supplies for Convention.

§ 12. The comptroller and secretary of state are hereby authorized and required in the month of March, eighteen hundred and ninety-three, to receive proposals and make a contract for all the printing, binding and other supplies necessary for said convention, and such contract shall be awarded under the provisions of the legislative law regulating legislative printing, so far as applicable to the supply of the printing, binding and other supplies necessary for said convention.

§ 13. This act shall take effect immediately.

STATE OF NEW YORK, }
Office of the Secretary of State. } ss.:

I have compared the preceding with the original law on file in this office, and do hereby certify that the same is a correct transcript therefrom and of the whole of said original law.

FRANK RICE,
Secretary of State.

Also,

AN ACT to amend chapter eight of the laws of eighteen hundred and ninety-three, entitled "An act to amend chapter three hundred and ninety-eight of the laws of eighteen hundred and ninety-two, entitled 'An act to provided for a convention to revise and amend the constitution.'"

Became a law March 31, 1894, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Section 1. Section eight of said act is hereby amended so as to read as follows :

§ 8. The delegates as chosen shall meet in convention in the assembly chamber at the capitol in the city of Albany, on the second Tuesday of May, eighteen hundred and ninety-four, at eleven o'clock in the forenoon. They shall by ballot elect from their number a president and one first and one second vice-president, and shall choose, in such manner as they see fit, one secretary, who may appoint four assistants. The president of the convention may appoint a librarian and one assistant, a post-master, nine clerks, four doorkeepers, a janitor and assistant, ten messengers, and ten pages, and shall administer the constitutional oath of office to all officers of the convention, and also to all the delegates, not sworn by the secretary of state at the organization, before their taking part in said convention. The president may also appoint a competent clerk, who shall act as clerk for the president, and, in his absence, for the vice-president, assuming the president's duties, and also assist, in the duties of chairman, the vice-president or such delegate as may be called to preside in the business of the convention. The convention may elect a stenographer and fix the amount of his compensation, also a sergeant-at-arms, and one assistant. The delegates to the convention shall be entitled to the sum of ten dollars per day for every day from the first day to the last day of the session thereof, subject to such rules as to non-attendance as the convention may adopt, and the same mileage as is now paid to the members of the legislature; but no per diem shall be paid for any services rendered after the fifteenth day of September,

eighteen hundred and ninety-four. The secretary shall receive ten dollars per day, and the assistant secretaries six dollars per day, and mileage as aforesaid, and the clerks, postmaster, doorkeepers, janitor and assistant, messengers and pages, librarian and assistant, and sergeant-at-arms and assistant, shall receive the same compensation as provided by law for similar services and attendance upon the legislature. The amount of pay shall be certified by the president of the convention and shall be paid by the treasurer of the state, on the warrant of the comptroller, in the same manner as members of the legislature are paid. It shall be the duty of the secretary of state to attend said convention at the opening thereof, to call the roll thereof, to administer the constitutional oath of office to the members, and to preside at all meetings thereof until a president has been elected and has taken his seat; but the secretary of state shall have no vote therein. All public officers, civil and military, and all boards and commissioners shall promptly furnish said convention and the compiler of the manual herein required to be furnished, with all such information, papers, statements, books, or other public documents in their possession, as the said convention shall order or require for its use, from time to time, while in session, and it shall be the duty of the comptroller to furnish the members thereof with stationery to the amount provided by law for members of the legislature while in session, and to the convention such stationery, file-boards and other like things as are furnished to the members of the legislature. Such convention may adopt such rules and regulations for its own government as a majority of its members may determine, and shall be the judge of the election and qualification of its own members. It shall be the duty of the secretary of state, attorney-general and comptroller, who shall be in office on the first day of January, eighteen hundred and ninety-four, to appoint a compiler who shall cause to be prepared and ready for said convention, at the commencement of its session, a suitable manual, two copies of which shall be furnished to each member and officer of said convention, and also suitable compilations for reference, to be supplied in same number as said manual, as early in the session of said convention as possible, and the expense of such manual and compilations shall be audited by said state officers and paid from the sum now,

or to be, appropriated for the expenses of said convention, by the treasurer upon the warrant of the comptroller. The compiler of said manual shall have full charge, direction and authority of the indexing, publication, printing and binding of said manual and compilations for reference. Said compiler shall further have full charge to direct and to authorize, upon conditions to be fixed by said convention, and in conformity with the contract heretofore entered into by the comptroller and secretary of state on behalf of the state, the indexing, publication, printing and binding of the documents, proceedings, journals and other printing and publications of said convention, during and after the close thereof; and the expense thereof shall be certified by him to the comptroller, and after being audited by the comptroller, shall be paid out of any moneys appropriated for the convention. Said compiler and the present deputy appointed by him, shall hold office until the above described work shall be completed.

§ 2. This act shall take effect immediately.

STATE OF NEW YORK, }
Office of the Secretary of State. } ss.:

I have compared the preceding with the original law on file in this office, and do hereby certify that the same is a correct transcript therefrom and of the whole of said original law.

JOHN PALMER,
Secretary of State.

The Secretary of State, Hon. John Palmer, attended in person, and called the Convention to order.

The proceedings of the Convention were then opened with prayer by Rev. Walton W. Battershall, of Albany.

The members, as certified by the Board of State Canvassers and furnished by the Secretary of State, whose names in the following list are not marked with an asterisk, being a quorum, appeared in the Assembly Chamber, and the Constitutional oath of office was administered to them by the Secretary of State, as follows:

STATE OF NEW YORK, ss:

We, the Secretary of State, Comptroller, Treasurer, Attorney-General and State Engineer and Surveyor, having formed a Board of State Canvassers, and having canvassed and estimated the

whole number of votes given for Delegates-at-Large to Constitutional Convention at the general election, held in said State, on the seventh day of November, 1893, according to the certified statements of the said votes received by the Secretary of State, in the manner directed by law, do hereby determine, declare and certify that Joseph H. Choate, Elihu Root, Edward Lauterbach, Jesse Johnson, Frederick W. Holls, Michael H. Hirschberg, J. Rider Cady, John T. McDonough, John M. Francis, John F. Parkhurst, Commodore P. Vedder, John I. Gilbert, Augustus Frank, William P. Goodelle and Daniel H. McMillan were, by the greatest number of votes given at the said election, duly elected Delegates-at-Large to Constitutional Convention of the said State.

Given under our hands, at the office of the Secretary of State of said State, in the city of Albany, the thirteenth day of December, in the year of our Lord one thousand eight hundred and ninety-three.

FRANK RICE,
Secretary of State.

FRANK CAMPBELL,
Comptroller.

ELLIOT DANFORTH,
Treasurer.

SIMON W. ROSENDALE,
Attorney-General.

MARTIN SCHENCK,
State Engineer and Surveyor.

STATE OF NEW YORK,
OFFICE OF THE SECRETARY OF STATE, } ss. :

I certify that I have compared the foregoing with an original statement filed in this office, and that the same is a correct transcript therefrom, and of the whole of such original.

Given under my hand and seal of office, at the city of Albany, this 8th day of May, 1894.

JOHN PALMER,
Secretary of State.

STATE OF NEW YORK, ss:

We, the Secretary of State, Comptroller, Treasurer, Attorney-General and State Engineer and Surveyor of said State, having formed a Board of State Canvassers, and having canvassed and estimated the whole number of votes given for District Delegates to Constitutional Convention, in the several Senate districts of said State, at the general election held in said State, on the seventh day of November, 1893, according to the certified statements of the said votes received by the Secretary of State, in the manner directed by law, do hereby determine, declare and certify that the following named persons respectively, by the greatest number of votes given in the said several Senate districts of the said State, at the said election, were duly elected District Delegates to Constitutional Convention of this State, to wit:

FIRST SENATE DISTRICT.—Lucius N. Manley, Frederick Storm, Charles L. Phipps, Nicoll Floyd, Nathaniel S. Ackerley.

SECOND SENATE DISTRICT.—Mirabeau Lamar Towns, William H. Cochran, John G. Schumaker, John B. Meyenborg, Almet F. Jenks.

THIRD SENATE DISTRICT.—Stephen B. Jacobs, Henry A. Powell, William H. Allaben, Solomon Galinger, Charles B. Morton.

FOURTH SENATE DISTRICT.—Joseph C. Hecker, Frank H. Vogt, William A. Faber, Andrew Frank, Robert M. Johnston.

FIFTH SENATE DISTRICT.—William D. Veeder, William Sullivan, Thomas J. Farrell, William B. Davenport, * John Cooney.

SEVENTH SENATE DISTRICT.—* William C. Whitney, Wright Holcomb, De Lancey Nicoll, John M. Bowers, Arthur D. Williams.

EIGHTH SENATE DISTRICT.—John Bigelow, Frank T. Fitzgerald, * Leonard A. Giegerich, Elliot Sandford, Morris Tekulsky.

NINTH SENATE DISTRICT.—Joseph M. Ohmeis, * Joseph Koch, Charles Goeller, Aaron Herzberg, Henry D. Hotchkiss.

TENTH SENATE DISTRICT.—Gideon J. Tucker, Delos McCurdy, Charles H. Truax, William Q. Titus, James W. McLaughlin.

ELEVENTH SENATE DISTRICT.—Robert E. Deyo, M. Warley Platzek, Francis Forbes, * Nelson J. Waterbury, William P. Burr.

TWELFTH SENATE DISTRICT.—Nelson Smith, William McM. Speer, Jacob Marks, John D. Crimmins, David McClure.

THIRTEENTH SENATE DISTRICT.—Andrew H. Green, James P. Campbell, Joseph I. Green, Eugene Durnin, Thomas Gilleran.

FOURTEENTH SENATE DISTRICT.—Charles W. Dayton, Michael J. Mulqueen, John A. Deady, Stephen S. Blake, Chauncey S. Truax.

FIFTEENTH SENATE DISTRICT.—Andrew C. Fields, William Church Osborn, William T. Emmet, Adolph C. Hottenroth, John Gibney.

SIXTEENTH SENATE DISTRICT.—William D. Dickey, Henry W. Wiggins, * Willard H. Mase, Charles W. H. Arnold, Ira M. Hedges.

SEVENTEENTH SENATE DISTRICT.—John A. Griswold, George L. Danforth, Jacob M. Maybee, Howard Chipp, Jr., George H. Bush.

EIGHTEENTH SENATE DISTRICT.—Roswell A. Parmenter, John H. Peck, William J. Roche, Amos H. Peabody, Edwin C. Rowley.

NINETEENTH SENATE DISTRICT.—A. Bleecker Banks, Edwin Countryman, Peter A. Rogers, William Kimmey, Dennis P. Kerwin.

TWENTIETH SENATE DISTRICT.—Abram B. Steele, Edward A. Brown, Walter L. Van Denbergh, Charles C. Lester, Edward C. Whitney.

TWENTY-FIRST SENATE DISTRICT.—Chester B. McLaughlin, Charles H. Moore, Edgar A. Spencer, Frederick Fraser, Thomas W. McArthur.

TWENTY-SECOND SENATE DISTRICT.—Vasco P. Abbott, John G. McIntyre, William H. Baker, William H. Steele, Elon R. Brown.

TWENTY-THIRD SENATE DISTRICT.—Henry J. Cookinham, John C. Davies, Charles S. Mereness, James W. Barnum, Abraham L. Kellogg.

TWENTY-FOURTH SENATE DISTRICT.—D. Gerry Wellington, Ceylon H. Lewis, Louis Marshall, George Barrow, Thomas G. Alvord.

TWENTY-FIFTH SENATE DISTRICT.—Charles A. Fuller, William J. Mantanye, Abram C. Crosby, H. Austin Clark, George F. Lyon.

TWENTY-SIXTH SENATE DISTRICT.—John W. O'Brien, Henry R. Durfee, Frank H. Hamlin, Frank E. Tibbetts, George R. Cornwell.

TWENTY-SEVENTH SENATE DISTRICT.—William H. Nichols, Milo M. Acker, Charles R. Pratt, Owen Cassidy, Charles A. Hawley.

TWENTY-EIGHTH SENATE DISTRICT.—Nathaniel Foote, Merton E. Lewis, John A. Barhite, George W. Clark, James H. Redman.

TWENTY-NINTH SENATE DISTRICT.—Nathan A. Woodward, Lockwood R. Doty, Myron L. Parker, William Pool, I. Sam Johnson.

THIRTIETH SENATE DISTRICT.—Philip W. Springweiler, William Turner, James S. Porter, * Charles Beckwith, Herman F. Trapper.

THIRTY-FIRST SENATE DISTRICT.—Henry W. Hill, Tracy C. Becker, John Coleman, George A. Davis, Jonathan W. Carter.

THIRTY-SECOND SENATE DISTRICT.—Benjamin S. Dean, Louis McKinstry, Charles Z. Lincoln, Oscar A. Fuller, Frank B. Church.

Given under our hands, at the office of the Secretary of State of said State, in the city of Albany, the thirteenth day of December, in the year of our Lord one thousand eight hundred and ninety-three.

FRANK RICE,

Secretary of State.

FRANK CAMPBELL,

Comptroller.

ELLIOT DANFORTH,

Treasurer.

SIMON W. ROSENDALE,

Attorney-General.

MARTIN SCHENCK,

State Engineer and Surveyor.

STATE OF NEW YORK, }
OFFICE OF THE SECRETARY OF STATE, } ss.:

I certify that I have compared the foregoing with an original statement filed in this office, and that the same is a correct transcript therefrom, and of the whole of such original, with the exception as to the statement as to votes cast in the Sixth Senatorial District and the declaration of the election of candidates to the office of District Delegates to Constitutional Convention in said district which were omitted by order of the Supreme Court.

Given under my hand and seal of office, at the city of Albany,
this 8th day of May, 1894.

JOHN PALMER,
Secretary of State.

The Secretary of State then announced that a quorum being present, and having taken the Constitutional oath, the Convention was ready for business.

Whereupon Mr. Root moved that the Convention proceed to elect by ballot a president, and that two tellers be appointed by the chair to count the ballots.

Mr. Secretary put the question on said motion, and it was decided in the affirmative.

The Secretary then appointed Mr. De Lancey Nicoll, of New York, and Mr. C. P. Vedder, of Cattaraugus, as tellers.

Mr. Root placed in nomination for President, Mr. Joseph H. Choate, of New York.

The Convention then proceeded to the election of a President with the following result as announced by the tellers:

Total number of votes	154
of which	1
Joseph H. Choate, received	124
John Bigelow received	8
Andrew H. Green received	8
Wright Holcomb received	2
Nelson Smith received	2
Gideon J. Tucker received	2
De Lancey Nicoll received	2
Edwin Countryman received	1
R. A. Parmenter received	1

David McClure received	1
W. D. Veeder received	1
Mirabeau L. Towns received.....	1
John H. Peck received	1

Mr. Joseph H. Choate having received a majority of all the votes cast, was duly elected President of the Convention.

Mr. Secretary appointed Mr. Root, of New York, and Mr. Countryman, of Albany, a committee to conduct the President to the chair.

The President, on taking the chair, addressed the Convention as follows:

Gentlemen of the Convention.—I should be false to every manly instinct if I were not overcome with the emotions of gratitude at being called upon by such a generous vote by the combined delegates of the State of New York to preside over this Convention, to perform the almost impossible duties of the office except as it shall be rendered possible by your confidence, aid and support. Gentlemen, it is a truly momentous event when the delegates of a State of many millions of people gather together after an interval of fifty years almost for the purpose of revising and amending the fundamental law of the State. It is true that there was an intermediate convention in 1867, most of whose work was rejected by the people; and to this day, we have been living and prospering under the Constitution proposed by the Convention of 1846 and then adopted by a majority of the people. Great changes have taken place since that day; our population has multiplied over and over; the wealth of the State has magnified to an enormous degree; the habits and customs of the people have largely changed. And yet I call your attention to the fact that under this Constitution that we are now called upon to amend there has been a general, uniform ever advancing prosperity, comfort and well being of the people of this State. And so, although it may not be for me to indicate or suggest how far the work of this Convention shall be extended, I may, perhaps, be indulged in one or two suggestions that are pertinent to this moment. And in the first place as to the spirit in which our deliberations should from this moment be conducted; it is true we come here sent by different parties, but after all elected only as the servants of the people and to perform their work. And if I am not mistaken, we

have met with the purpose to act not as partisans, not as politicians, but only as citizens and servants of the people. And I believe that on the discussion, consideration and decision of the great questions of policy and principle that shall come before us we shall not be actuated by any partisan spirit whatever.

This Constitution we are not commissioned, as I understand it, to treat with any rude or sacriligious hands. To its general features, the statutes, the judicial decisions, the habits of this great people have long been accustomed and adopted, and it seems to me that we should be false to our trust if we entered upon any attempt to tear asunder this structure which, for so many years, has satisfied in the main, the wants of the people of the State of New York. And yet, gentlemen, there are certain great questions, which we are to consider, which stare us in the face at the very outset of our proceedings and will continue to employ our minds until the day of our final adjournment. There is the great and important question of a reapportionment of the districts of the State. I am innocent enough to believe that even upon that question, which might naturally agitate and arouse party feeling, this Convention will be courageous and virtuous enough to unite upon an apportionment which shall be at once honest, fair and just to all the districts and all the people of the State. And then there is that second question, forced upon our attention by the changed condition of our municipal affairs, that is to say, what we can do, if we can do anything, to restore government which shall be Democratic Government and truly Republican Government to the people of the great cities of this vast commonwealth. It is not for me to suggest any possible measures, but it will be strange indeed if the assembled wisdom of the delegates of this great State shall fail in uniting upon some provisions that shall enable the people of the great cities of this State, each to conduct and govern its own affairs without the necessity of perpetually resorting to legislative interference and aid. The relief of the Court of Appeals is also a most important subject. And then there is the great question of the protection of the purity of the suffrage. Strange indeed it will be if we shall meet and sit together for four or five months and separate without being able to throw some new safeguards around the purity of the ballot and to rescue our people from these shocking scenes almost amounting to anarchy, which have recently disgraced the

polls in various sections of the State. It is very likely that our committee on suffrage will be called upon to deal with another very delicate question (laughter); in its nature the most delicate of which human nature admits. I have no doubt that the demands of those who call for an extension of the suffrage to all human beings without regard to sex will receive at last the respectful attention and consideration of this Convention in its appropriate time.

And then, gentlemen, there is one other subject of universal concern; I mean the great subject of education; the protection, the fostering and permanent establishment of our common schools; and the discussion is perhaps the decision of that other delicate and difficult question, whether either due protection requires, and how far it requires, the retention of all public moneys from all rival sectarian institutions of learning.

And will it be a reflection upon that legislative body that usually meets here and in the adjoining hall if I suggest also that it will be possible to devise some methods for the regulation of legislation so that a breathing interval of at least one hour or one day for consideration shall be allowed to the members of the Legislature and the people who are watching their movements at every step in the progress of a bill, from its introduction to its final passage.

I think it would be beyond my province to make any other suggestions. We have but little time to perform the great duties which are imposed upon us. Would that we could subject ourselves to a self-denying ordinance, so that three-fourths or nine-tenths of that time should not be spent in idle talk. We come here to act, to think, and to vote. Let us put some restraint upon our tongues. I have no doubt that this Convention will be made the place of deposit of a vast number of crude and undigested schemes, projects, ideas, indicating every method of modern thought; all of which will have to be respectfully received. But will it be out of place for me to indulge the hope that no great part of our valuable time will be wasted in the consideration of projects which at the outset by the vast majority of the Convention and the community, must be recognized as utterly impracticable.

And now, gentlemen, renewing the expression of my thanks for the confidence which you have shown me, invoking your aid and

support at every step in the progress of this Convention, urging you as I promise myself, to lay aside all other occupations, all other engagements, and to devote the time allotted to the business of this Convention absolutely to its pursuit and performance. Let us proceed to the further business of the Convention with this common purpose only, not to act as partisans, but only as citizens and with one heart for the common welfare of the people of this State.

Mr. President announced the next business in order to be the election of a First Vice-President.

Mr. Goodelle, of Onondaga, then placed in nomination Thomas G. Alvord, of Onondaga, for said office.

Mr. Bowers, of New York, placed in nomination John Bigelow, of New York, for said office.

Mr. President appointed as tellers Mr. Davies, of Oneida, and Mr. Tekulsky, of New York.

The Convention then proceeded to the election of a First Vice-President, with the following result as announced by the tellers :

Total vote cast.....	162
of which,	
Thomas G. Alvord received.....	97
John Bigelow received.....	62
Deyo received	1
Blank received.....	2

Mr. Thomas G. Alvord, having received a majority of the votes cast,

The President declared Thomas G. Alvord elected First Vice-President of the Convention.

Mr. President then announced the next business in order to be the election of a Second Vice-President of the Convention.

Whereupon Mr. Baker, of Oswego, placed in nomination Mr. William H. Steele, of Oswego, for said office.

Mr. President requested the same tellers, Mr. Davies and Mr. Tekulsky, to act as tellers.

The Convention then proceeded to the election of a Second Vice-President with the following result, as announced by the tellers :

Total vote cast.....	95
of which	
W. H. Steele received.....	80
Edwin Countryman received.....	3
John Bigelow received.....	2
Delos McCurdy received.....	1
Peter A. Rogers received.....	1
H. A. Powell received.....	1
John A. Griswold received.....	1
Chauncey S. Truax.....	1
Andrew H. Green received.....	1
Blank	4

Mr. William H. Steele, of Oswego, having received a majority of the votes cast,

Mr. President declared Mr. William H. Steele elected as Second Vice-President of the Convention.

Mr. President then administered the oath of office to Mr. Alvord and Mr. Steele.

Mr. Barhite, of Monroe, offered a resolution in words following :

Resolved, That Charles E. Fitch be elected Secretary of this Convention.

Mr. President put the question on said resolution, and it was determined in the affirmative.

The President declared Charles E. Fitch duly elected Secretary of the Convention.

Mr. President then administered the oath of office to Mr. Fitch.

Mr. Lincoln offered a resolution in words following :

Resolved, That Herbert A. Briggs, of Erie county, be elected stenographer of this Convention.

Mr. President put the question on said resolution, and it was determined in the affirmative.

Mr. Lester offered a resolution in words following :

Resolved, That William W. Bennett, of Saratoga county, be elected Sergeant-at-Arms of this Convention.

Mr. President put the question on said resolution, and it was determined in the affirmative.

Mr. Acker offered a resolution in words following :

Resolved, That John McElroy, of Steuben county, be elected Assistant Sergeant-at-Arms of this Convention.

Mr. President put the question on said resolution, and it was determined in the affirmative.

Mr. President then administered the oath of office to Herbert A. Briggs and William W. Bennett.

Mr. J. Johnson offered a resolution in words following :

Resolved, That all propositions and resolutions to amend the Constitution be referred without debate to the appropriate committee when appointed.

Mr. President put the question on said resolution, and it was determined in the affirmative.

Mr. Morton presented a petition from William H. Davis, Henry J. Brown, Christian F. Gull, Luther W. Emerson and George W. Tompkins, contesting the seats now held by Mirabeau Lamar Towns, William H. Cochran, John G. Schumaker, John B. Meyenborg, and Almet F. Jenks, as delegates from the Second Senate District, which was referred to the committee on privileges and elections when appointed.

Also a petition from John C. Kinkel, Charles L. Pashley, William Deterling, J. Lott Nostrand and Charles J. Kurth, contesting the seats now held by James W. Riggs, Eugene A. Curran, George W. Roderick, William M. Mullen and Thomas W. Fitzgerald, as delegates from the Sixth Senate District, which was referred to the committee on privileges and elections when appointed.

Mr. Becker presented a petition of Thomas A. Sullivan, asking that he be awarded one of the seats for which certificates of election have heretofore been issued to Charles Beckwith and Herman F. Trapper, as delegates to this Convention, from the Thirtieth Senate District.

Referred to the committee on privileges and elections when appointed.

Also petition of Harvey W. Putnam, asking that he be awarded one of the seats for which certificates of election have heretofore been issued to Charles Beckwith and Herman F. Trapper as delegates to this Convention, from the Thirtieth Senate District.

Referred to the committee on privileges and elections when appointed.

Mr. M. E. Lewis offered a resolution in words following:

Resolved, That the rules of the Assembly of the State of New York, be adopted temporarily, as the rules of this Convention; to continue in force until permanent rules shall be adopted.

Mr. Cochran moved to amend said resolution by striking out all after the word "Resolved," and inserting in lieu thereof, the following :

"That the rules as printed in the Convention Manual, prepared by the official compiler, be accepted as the temporary rules of this Convention, until otherwise ordered."

Mr. Lewis accepted the amendment offered by Mr. Cochran.

Mr. President put the question on said motion, and it was determined in the affirmative.

Mr. Root offered a resolution in words following

Resolved, That the President appoint a committee on rules to consist of seven members, and that the President be an additional member and chairman ex officio.

Mr. President put the question on said resolution, and it was determined in the affirmative.

Mr. Hirschberg offered a resolution in words following:

Resolved, That a committee on privileges and elections, to consist of eleven members, be appointed by the President, with full power to investigate and report to the Convention in each contest for seats, now existing or which may arise; that said committee be and they hereby are authorized to appoint one or more sub-committees from among their number, and said committee and sub-committees are hereby each empowered to take testimony in such contests, to require and enforce by subpoena, the presence of witnesses and the production of papers and documents, to employ the services of a stenographer, and to meet in the district or districts in which the seat or seats contested may be located, or elsewhere.

Mr. President put the question on said motion, and it was determined in the affirmative.

Mr. President appointed the following as the committee on rules:

Messrs. President, Root, McMillan, Davies, Acker, Bowers, Deyo, McClure, Griswold.

Mr. President appointed Joseph S. Saunders, of Rensselaer county, as Postmaster of this convention.

On motion of Mr. Lauterbach, at 1.50, the Convention took a recess until half-past three.

AFTERNOON SESSION.

At 3.30 P. M. the Convention again met.

Mr. Davenport offered a resolution in words following:

Resolved, That the members of this Convention, who were members of the last Constitutional Convention, be permitted to select their seats in advance of any drawing for them.

Mr. Becker moved to amend said resolution by inserting after the word "Convention" the words "and the Vice-Presidents of this Convention."

Mr. Davenport accepted the amendment.

Mr. President put the question on said motion, and it was determined in the affirmative.

Mr. Acker moved that Mr. Griswold, of Greene, be allowed to choose his seat on account of deafness.

Mr. President put the question on said motion, and it was determined in the affirmative.

Mr. McClure offered a resolution in words following

Resolved, That when the Convention adjourn to-day, the members proceed in a body, headed by the President and Vice-Presidents, to the executive chamber, and be presented to the Governor of the State.

Mr. President put the question on said motion, and it was determined in the affirmative.

Mr. Powell moved that the drawing of seats be conducted by Senate Districts.

Mr. Kellogg moved to lay the motion on the table.

Mr. President put the question on the motion of Mr. Kellogg, and it was determined in the affirmative.

Mr. Durnin moved that a committee of two be appointed to examine the ballots prepared by the Secretary for the drawing of seats, that when the examination is completed and found to be correct that the members retire to the rear of the chamber, and as their names are drawn, the delegate appear and select a seat, to be occupied by him until the drawing is completed. That the President designate some person other than a member to draw the ballots from the box.

Mr. President put the question on said motion, and it was determined in the affirmative.

Mr. President appointed as the committee to examine the ballots Mr. Marshall and Mr. McClure.

Mr. Alvord, First Vice-President in the chair.

Mr. President appointed James Husted Millard to draw the ballots.

The drawing was then proceeded with with the following result:

No. 19, Mr. Abbott; 2, Mr. Acker; 102, Mr. Ackerly; 94, Mr. Allen; 46, Mr. Alvord; 67, Mr. Arnold; 134, Mr. Baker; 90, Mr. Banks; 45, Mr. Barhite; 43, Mr. Barnum; 154, Mr. Barrow; 133, Mr. Becker; —, Mr. Beckwith; 26, Mr. Bigelow; 85, Mr. Blake; 77, Mr. Bowers; 141, Mr. Brown, E. A.; 164, Mr. Brown, E. R.; 31, Mr. Burr; 152, Mr. Bush; 173, Mr. Cady; 113, Mr. Campbell; 135, Mr. Carter; 39, Mr. Cassidy; 121, Mr. Chipp, Jr.; —, Mr. Choate; 99, Mr. Church; 63, Mr. Clark, G. W.; 166, Mr. Clark, H. A.; 10, Mr. Cochran; 163, Mr. Coleman; 95, Mr. Cookinham; —, Mr. Cooney; 61, Mr. Cornwell; 123, Mr. Countryman; 119, Mr. Crimmins; 174, Mr. Crosby; 97, Mr. Curran; 75, Mr. Danforth; 129, Mr. Davenport; 130, Mr. Davies, J. C.; 70, Mr. Davis, G. A.; 30, Mr. Dayton; 122, Mr. Deady; 144, Mr. Dean; 56, Mr. Deyo; 137, Mr. Dickey; 35, Mr. Doty; 18, Mr. Durfee; 86, Mr. Durnin; 159, Mr. Emmet; 32, Mr. Faber; 79, Mr. Farrell; 125, Mr. Fields; 81, Mr. Fitzgerald, F. T.; 51, Mr. Fitzgerald, T. W.; 92, Mr. Floyd; 143, Mr. Foote; 83, Mr. Forbes; 23, Mr. Francis; 55, Mr. Frank, Andrew; 22, Mr. Frank, Augustus; 72, Mr. Fraser; 162, Mr. Fuller, C. A.; 132, Mr. Fuller, O. A.; 57, Mr. Galinger; 158, Mr. Gibney; 54, Mr. Giegerich; 96, Mr. Gilbert; 14, Mr. Gilleran; 52, Mr. Goeller; 107, Mr. Goodelle; 4, Mr. Green, A. H.; 88, Mr. Green, J. I.; 7, Mr. Griswold; 148, Mr. Hamlin; 6, Mr. Hawley; 151, Mr.

Hecker ; 66, Mr. Hedges ; 78, Mr. Herzberg, A. ; 59, Mr. Hill ; 38, Mr. Hirschberg, M. H. ; 53, Mr. Holcomb ; 17, Mr. Holls ; 27, Mr. Hotchkiss ; 48, Mr. Hottenroth ; 8, Mr. Jacobs ; 114, Mr. Jenks ; 15, Mr. Johnson, I. Sam ; 145, Mr. Johnson, J. ; 58, Mr. Johnston, R. M. ; 36, Mr. Kellogg ; 76, Mr. Kerwin ; 126, Mr. Kimmey ; 156, Mr. Koch ; 131, Mr. Lauterbach ; 13, Mr. Lester ; 41, Mr. Lewis, C. H. ; 44, Mr. Lewis, M. E. ; 175, Mr. Lincoln ; 40, Mr. Lyon ; 105, Mr. Manley ; 60, Mr. Mantanye ; 80, Mr. Marks ; 127, Mr. Marshall ; —, Mr. Mase ; 108, Mr. Maybee ; 73, Mr. McArthur ; 24, Mr. McClure ; 149, Mr. McCurdy ; 3, Mr. McDonough ; 62, Mr. McIntyre ; 64, Mr. McKinstry ; 74, Mr. McLaughlin, C. B. ; 49, Mr. McLaughlin, J. W. ; 21, Mr. McMillan ; 142, Mr. Mereness ; 118, Mr. Meyenborg ; 14, Mr. Moore ; 115, Mr. Morton ; 82, Mr. Mullen ; 42, Mr. Mulqueen ; 93, Mr. Nichols, W. H. ; 111, Mr. Nicoll, De L. ; 1, Mr. O'Brien ; 155, Mr. Ohmeis ; 47, Mr. Osborn ; 37, Mr. Parker ; 130, Mr. Parkhurst ; 150, Mr. Parmenter ; 117, Mr. Peabody ; 5, Mr. Peck ; 138, Mr. Phipps ; 87, Mr. Platzek ; 106, Mr. Pool ; 69, Mr. Porter ; 157, Mr. Powell ; 177, Mr. Pratt ; 168, Mr. Redman ; 98, Mr. Riggs ; 140, Mr. Roche ; 120, Mr. Roderick ; 11, Mr. Rogers ; 16, Mr. Root ; 136, Mr. Rowley ; 101, Mr. Sandford ; 9, Mr. Schumaker ; 103, Mr. Smith ; 25, Mr. Speer ; 20, Mr. Spencer ; 161, Mr. Springweiler ; 28, Mr. Steele, A. B. ; 65, Mr. Steele, W. H. ; 91, Mr. Storm ; 116, Mr. Sullivan ; 104, Mr. Tekulsky ; 71, Mr. Tibbetts ; 124, Mr. Titus ; 89, Mr. Towns ; 165, Mr. Trapper ; 112, Mr. Truax, C. H. ; 50, Mr. Truax, C. S. ; 12, Mr. Tucker ; 68, Mr. Turner ; 153, Mr. Van Denbergh ; 100, Mr. Vedder ; 84, Mr. Veeder ; 128, Mr. Vogt ; —, Mr. Waterbury ; 33, Mr. Wellington ; 109, Mr. Whitmyer ; 34, Mr. Wiggins ; 29, Mr. Williams ; 110, Mr. Woodward.

When the name of Mr. Lewis was drawn Mr. Barhite was authorized to select a seat for him.

When the name of Mr. J. W. McLaughlin was drawn, Mr. J. I. Green was authorized to select a seat for him.

When the name of Mr. Galinger was drawn Mr. Morton was authorized to select a seat for him.

When the name of Mr. Giegerich was drawn Mr. Holcomb was authorized to select a seat for him.

When the name of Mr. Gibney was drawn Mr. Emmet was authorized to select a seat for him.

When the name of Mr. Koch was drawn Mr. Goeller was authorized to select a seat for him.

Mr. Acker moved that when this convention adjourn it be to meet on Tuesday, May 22, at 12 noon.

Mr. President put the question on said motion, and it was determined in the affirmative.

Mr. President announced the following committee on Privileges and Elections:

Messrs. Cookinham, Hirschberg; Lester, Durfee, Crosby Foote, Lincoln, Countryman, Deady, Gibney, Chipp.

Mr. President announced the following appointments:

Librarian, Edgar L. Murlin of Albany. Janitor, George E. Smith, of Albany.

The Secretary announced the following appointment:

Assistant Secretary, Edward M. Johnson, of Otsego.

Mr. Root, from the Committee on Rules, made a partial report, being the standing rules for the government of the Convention in words following:

1. A committee on the preamble and bill of rights, to consist of eleven members.
2. On the Legislature—its organization and the number, apportionment, election, tenure of office and compensation of its members, to consist of seventeen members.
3. On the powers and duties of the Legislature, except as to matters otherwise referred, to consist of eleven members.
4. On the right of suffrage and the qualifications to hold office, to consist of seventeen members.
5. On the Governor and other State officers, their election or appointment, tenure of office, compensation, powers and duties, except as otherwise referred, to consist of seventeen members.
6. On the judiciary, to consist of seventeen members.
7. On the State finances, revenues, expenditures and taxation, and restrictions on the powers of the Legislature in respect thereto, and to public indebtedness, to consist of seventeen members.
8. On cities, their organization, government and powers, to consist of seventeen members.
9. On canals, to consist of eleven members.

10. On railroads, transportation and electrical transmission, to consist of seventeen members.
11. On counties, towns and villages, their organization, government and powers, to consist of seventeen members.
12. On county, town and village officers, other than judicial, their election or appointment, tenure of office, compensation, powers and duties, to consist of seventeen members.
13. On State prisons and penitentiaries, and the prevention and punishment of crime, to consist of eleven members.
14. On corporations and institutions not otherwise herein specified, to consist of seventeen members.
15. On currency, banking and insurance, to consist of eleven members.
16. On the militia and military officers, to consist of seven members.
17. On education and the funds relating thereto, to consist of seventeen members.
18. On charities and charitable institutions, to consist of seventeen members.
19. On industrial interests, except those already referred, to consist of seventeen members.
20. On the salt springs of the State, to consist of seven members.
21. On the relations of the State to the Indians residing therein, to consist of seven members.
22. On the future amendments and revisions of the Constitution, to consist of seven members.
23. Revision and engrossment, to consist of seven members.
24. Privileges and elections, to consist of eleven members.
25. Printing, to consist of seven members.
26. Contingent expenses, to consist of seven members.
27. Rules, to consist of seven members and the president.

Mr. Moore moved that the report be accepted and adopted.

Mr. President put the question on said motion, and it was determined in the affirmative.

Mr. Marshall offered the following resolution:

Resolved, That all sessions of this Convention, until its final adjournment, be held in the Assembly chamber, in the Capitol, at Albany.

Mr. McClure moved to lay the motion on the table.

Mr. President put the question on the motion to lay on the table, and it was decided in the affirmative.

On motion of Mr. Moore, at 5.55, the Convention adjourned.

Tuesday, May 22, 1894.

The Convention met pursuant to adjournment.

Prayer by Rev. T. B. Fulcher.

The journal of Tuesday, May 8, was read and approved.

The oath of office was administered to Mr. Leonard A. Giegerich, as Delegate from the Eighth Senate District, by the President.

Mr. President announced the following appointments:

APPOINTMENTS.

Assistant Librarian — J. W. Jones, Third district.

Postmaster — J. S. Sanders, Eighteenth district.

Clerks — J. W. Titus, First district; C. H. Bassett, Sixteenth district; H. G. Getter, Seventeenth district; J. H. Rathbone, Nineteenth district; J. P. Brennan, Twenty-first district; E. A. Fay, Twenty-second district; J. A. Cook, Twenty-third district; Ray Smith, Twenty-fourth district; George B. Munn, Thirty-first district.

President's Clerk — C. A. de Gersdorff, New York.

Doorkeepers — William Henkel, New York; George D. Weeks, Second district; Hiram Van Tassel, Fifteenth district; Asa P. Fish, Twenty-sixth district.

Assistant Janitor — Thomas Brown, New York.

Messengers — John Seaman, Fourth district; A. B. Crumb, Twentieth district; Joseph Fayel, Twenty-second district; Thomas G. A. Cheney, Twenty-fourth district, from May 9; C. E. Boyden, Twenty-fifth district; H. D. Taylor, Twenty-eighth district; W. T. Pool, Twenty-ninth district; F. C. Loomis, Thirtieth

district; T. H. Rochford, Thirtieth district; P. J. Haybyrne, New York.

Pages — John Gueron, Sixth district; William Ross, New York; George Tiernan, Nineteenth district; F. M. Moore, Twenty-first district; J. J. Guernsey, Twenty-third district; S. F. Barager, Twenty-fifth district; C. Weddigan, Twenty-sixth district; William Logan, Nineteenth district; James Husted Millard.

The Secretary announced the following appointments made by him on the 10th day of May:

Assistant Secretaries — James C. Sheldon, Marcus M. Cass, Jr., Emmet W. Parkhill.

Mr. President then announced the following standing committees:

1.— PREAMBLE.

Mr. Francis, Chairman.	Mr. Bigelow.
Mr. Alvord.	Mr. A. H. Green.
Mr. Augustus Frank.	Mr. Tucker.
Mr. Van Denbergh.	Mr. Schumaker.
Mr. Woodward.	Mr. Veeder.
Mr. Parker.	

2.— LEGISLATIVE ORGANIZATION.

Mr. Becker, Chairman.	Mr. Schumaker.
Mr. Lincoln.	Mr. Crimmins.
Mr. Acker.	Mr. Giegerich.
Mr. E. R. Brown.	Mr. Bush.
Mr. Dickey.	Mr. Peck.
Mr. Crosby.	Mr. Osborn.
Mr. Davies.	Mr. Sullivan.
Mr. Root.	
Mr. Morton.	

3.— LEGISLATIVE POWERS.

Mr. Vedder, Chairman.	Mr. Roche.
Mr. Goodelle.	Mr. Rogers.
Mr. Wellington.	Mr. Maybee.
Mr. Barhite.	Mr. Kimmey.
Mr. Dean.	Mr. Mullen.
Mr. Johnston.	Mr. Kerwin.
Mr. Mantanye.	Mr. Hottenroth.
Mr. Moore.	
Mr. Parker.	
Mr. E. A. Brown.	

4.—SUFFRAGE.

Mr. Goodelle, Chairman.	Mr. Bigelow.
Mr. Cookinham.	Mr. Tucker.
Mr. Parkhurst.	Mr. McClure.
Mr. Lauterbach.	Mr. Nicoll.
Mr. Hill.	Mr. Deady.
Mr. Abbott.	Mr. Towns.
Mr. Wellington.	Mr. Cochran.
Mr. O'Brien.	
Mr. Wiggins.	
Mr. Alvord.	

5.—GOVERNOR AND STATE OFFICERS.

Mr. McMillan, Chairman.	Mr. McCurdy.
Mr. Abbott.	Mr. Jenks.
Mr. Pool.	Mr. Smith.
Mr. O. A. Fuller.	Mr. Tekulsky.
Mr. Hamlin.	Mr. Campbell.
Mr. Mereness.	Mr. Trapper.
Mr. Pratt.	Mr. Marks.
Mr. Manley.	
Mr. Vedder.	
Mr. Hedges.	

6.—JUDICIARY.

Mr. Root, Chairman.	Mr. C. H. Truax.
Mr. Marshall.	Mr. Parmenter.
Mr. Cookinham.	Mr. Countryman.
Mr. Becker.	Mr. Bowers.
Mr. Cady.	Mr. Nicoll.
Mr. Parkhurst.	Mr. Jenks.
Mr. Gilbert.	Mr. Bush.
Mr. J. Johnson.	
Mr. McMillan.	
Mr. Foote.	

7.—STATE FINANCES AND TAXATION.

Mr. Acker, Chairman.	Mr. F. T. Fitzgerald.
Mr. Vedder.	Mr. Speer.
Mr. I. S. Johnson.	Mr. Smith.
Mr. Cassidy.	Mr. Burr.
Mr. A. B. Steele.	Mr. Mulqueen.

Mr. Jacobs.
Mr. O. A. Fuller.
Mr. Tibbetts.
Mr. Pratt.
Mr. Kellogg.

Mr. J. W. McLaughlin.
Mr. Blake.

8.—CITIES.

Mr. J. Johnson, Chairman.
Mr. Francis.
Mr. Becker.
Mr. H. A. Clark.
Mr. C. H. Lewis.
Mr. Holls.
Mr. M. E. Lewis.
Mr. Spencer.
Mr. Morton.
Mr. Coleman.

Mr. A. H. Green.
Mr. Davenport.
Mr. F. T. Fitzgerald.
Mr. Hotchkiss.
Mr. Speer.
Mr. Rowley.
Mr. Banks.

9.—CANALS.

Mr. Cady, Chairman.
Mr. Porter.
Mr. Floyd.
Mr. Fraser.
Mr. Baker.
Mr. Nichols.
Mr. G. W. Clark.

Mr. Danforth.
Mr. Williams.
Mr. Blake.
Mr. Hottenroth.

10.—RAILROADS, ETC.

Mr. Davies, Chairman.
Mr. McIntyre.
Mr. Cornwell.
Mr. Dean.
Mr. Johnson.
Mr. Baker.
Mr. Storm.
Mr. McArthur.
Mr. Springweiler.
Mr. Redman.

Mr. McClure.
Mr. Hotchkiss.
Mr. Chipp.
Mr. Koch.
Mr. Holcomb.
Mr. Herzberg.
Mr. Curran.

11.—COUNTY, TOWN AND VILLAGE GOVERNMENT.

Mr. C. B. McLaughlin, Chairman.
Mr. Floyd.
Mr. Doty.

Mr. Maybee.
Mr. Kimmey.
Mr. Peabody.

Mr. Mereness.
Mr. Arnold.
Mr. Nichols.
Mr. McKinstry.
Mr. G. W. Clark.
Mr. Carter.
Mr. C. A. Fuller.

Mr. Titus.
Mr. Burr.
Mr. Herzberg.
Mr. T. W. Fitzgerald.

12.—COUNTY, TOWN AND VILLAGE OFFICERS.

Mr. Parkhurst, Chairman.
Mr. Lester.
Mr. Mantanye.
Mr. Moore.
Mr. Barnum.
Mr. Church.
Mr. Redman.
Mr. Vogt.
Mr. Jacobs.
Mr. Hecker.

Mr. Sullivan.
Mr. Rogers.
Mr. Emmet.
Mr. Ohmeis.
Mr. Titus.
Mr. Kerwin.
Mr. Gilleran.

13.—STATE'S PRISONS AND PENITENTIARIES.

Mr. McDonough, Chairman.
Mr. Barhite.
Mr. Crosby.
Mr. O'Brien.
Mr. McArthur.
Mr. Allaben.
Mr. Andrew Frank.

Mr. Koch.
Mr. Rowley.
Mr. Campbell.
Mr. Meyenborg.

14.—CORPORATIONS.

Mr. Hawley, Chairman.
Mr. Dickey.
Mr. Barrow.
Mr. H. A. Clark.
Mr. W. H. Steele.
Mr. Lyon.
Mr. Storm.
Mr. C. A. Fuller.
Mr. Van Denbergh.
Mr. Doty.

Mr. McCurdy.
Mr. Veeder.
Mr. Banks.
Mr. Davenport.
Mr. Roche.
Mr. Forbes.
Mr. Emmet.

15.— BANKING AND INSURANCE.

Mr. Augustus Frank, Chairman.	Mr. Sanford.
Mr. Davis.	Mr. Fields.
Mr. Whitmyer.	Mr. Durnin.
Mr. M. E. Lewis.	Mr. Riggs.
Mr. Phipps.	
Mr. Barnum.	
Mr. Galinger.	

16.— MILITARY.

Mr. Hedges, Chairman.	Mr. Gibney.
Mr. Davis.	Mr. Cochran.
Mr. Ackerly.	Mr. Goeller.
Mr. Galinger.	

17.— EDUCATION.

Mr. Holls, Chairman.	Mr. Deyo.
Mr. Durfee.	Mr. Sandford.
Mr. E. R. Brown.	Mr. Peck.
Mr. Hirschberg.	Mr. C. S. Truax.
Mr. Hill.	Mr. Platzek.
Mr. McDonough.	Mr. Gilleran.
Mr. McIntyre.	Mr. Towns.
Mr. Tibbetts.	
Mr. Cornwell.	
Mr. Fraser.	

18.— CHARITIES.

Mr. Lauterbach, Chairman.	Mr. Giegerich.
Mr. O. B. McLaughlin.	Mr. Danforth.
Mr. I. S. Johnson.	Mr. Durnin.
Mr. Cassidy.	Mr. C. S. Truax.
Mr. A. B. Steele.	Mr. Forbes.
Mr. Phipps.	Mr. Peabody.
Mr. Powell.	Mr. Riggs.
Mr. Arnold.	
Mr. Manley.	
Mr. Kellogg.	

19.— INDUSTRIAL INTERESTS.

Mr. Gilbert, Chairman.	Mr. C. H. Truax.
Mr. M. E. Lewis.	Mr. Crimmins.
Mr. Barhite.	Mr. Osborn.

Mr. Wiggins.
 Mr. Coleman.
 Mr. Faber.
 Mr. Ackerly.
 Mr. Lester
 Mr. Carter.
 Mr. Hecker.

Mr. Ohmeis.
 Mr. Trapper.
 Mr. Roderick.
 Mr. Goeller.

20.—SALT SPRINGS.

Mr. Alvord, Chairman.
 Mr. Springweiler.
 Mr. Vogt.
 Mr. Allaben.

Mr. Williams.
 Mr. Mulqueen.
 Mr. Farrell.

21.—INDIANS.

Mr. C. H. Lewis, Chairman.
 Mr. Porter.
 Mr. Church.
 Mr. Turner.

Mr. Platzek.
 Mr. J. I. Green.
 Mr. Mullen.

22.—CONSTITUTIONAL AMENDMENTS.

Mr. Marshall, Chairman.
 Mr. Powell.
 Mr. Spencer.
 Mr. Andrew Frank.

Mr. Griswold.
 Mr. Parmenter.
 Mr. Meyenborg.

23.—REVISION AND ENGROSSING.

Mr. Foote, Chairman.
 Mr. Hawley.
 Mr. W. H. Steele.
 Mr. Woodward.

Mr. Holcomb.
 Mr. Roderick.
 Mr. Farrell.

24.—PRIVILEGES AND ELECTIONS.

Mr. Hirschberg, Chairman.
 Mr. Cookinham.
 Mr. Lester.
 Mr. Crosby.
 Mr. Foote.
 Mr. Lincoln.
 Mr. Durfee.

Mr. Deady.
 Mr. Countryman.
 Mr. Chipp.
 Mr. Gibney.

25.—PRINTING.

Mr. Hamlin, Chairman.
 Mr. Pool.
 Mr. McKinstry.
 Mr. Turner.

Mr. Marks.
 Mr. Fields.
 Mr. Beckwith.

26.—CONTINGENT EXPENSES.

Mr. Lyon, Chairman.	Mr. J. I. Green.
Mr. E. A. Brown.	Mr. Tekulsky.
Mr. Whitmyer.	Mr. Curran.
Mr. Faber.	

27.—RULES AND THE PRESIDENT.

The President, Chairman.	Mr. Bowers.
Mr. Root.	Mr. Deyo.
Mr. Acker.	Mr. Griswold.
Mr. Davies.	
Mr. McMillan.	

Mr. McMillan offered a resolution in words following:

Resolved, That a committee of one from each judicial district be appointed by the President to assign appropriate committee rooms to the several standing committees of the Convention.

Mr. President put the question on said motion, and it was determined in the affirmative.

Mr. President appointed as such committee:

Mr. Davis, of Erie; Mr. Cookinham, of Oneida; Mr. Deady, of New York; Mr. Johnson, of Kings; Mr. Bush, of Ulster.

Mr. President announced to the Convention the service of a writ upon him in words following:

To the Supreme Court of the State of New York:

The petition of Herman F. Trapper respectfully shows: That at a general election held on the seventh day of November, 1893, your petitioner was a candidate for the office of district delegate for the Thirtieth Senate district to the Convention to Revise and Amend the Constitution of the State of New York; your petitioner further shows that at said general election he was one of the five candidates for the office of district delegate who received a majority of the legal votes cast in said Thirtieth Senate district at said general election. That the said votes were regularly and legally counted and recorded, and that the said votes were in a manner directed by law canvassed and estimated by the Board of State Canvassers of the State of New York; that the said Board of Canvassers did on the 13th day of December, 1893, in the manner directed by law determine, declare and certify, that the petitioner was at said election duly elected a district delegate

from the said Thirtieth Senate district to the said Convention ; that a certificate of election as district delegate from the said Thirtieth Senate district has been issued to your petitioner by the Secretary of State of the State of New York, under his hand and seal and bearing date the 28th day of December, 1893 ; your petitioner further shows that he has taken the Constitutional oath of office ; that he is now a member of the said Constitutional Convention, and that said Convention is now in session in the Assembly chamber in the city of Albany, New York, and that Joseph H. Choate is the President of the said Convention.

Your petitioner further shows : That on the 8th day of May, 1894, one Harvey W. Putnam, and one Thomas A. Sullivan, as your petitioner is informed and verily believes each did present to the said Convention, and to the said Joseph H. Choate, a petition in which each of the said petitioners, namely, Harvey W. Putnam and Thomas A. Sullivan, represented that they were, each, one of the five candidates for district delegate from the said Thirtieth Senate district who received a majority of the legal votes cast at said general election held in the said Thirtieth Senate district and claiming that they were entitled to the seats in said Constitutional Convention, at present held by your petitioner and one Charles Beckwith, and praying that the certificate of election as delegate to the said Convention from the said Thirtieth Senate district heretofore issued to your petitioner and to the said Charles Beckwith, be declared null and void and of no effect, and that it be declared that the said Harvey W. Putnam and the said Thomas A. Sullivan be duly elected and qualified delegates to the said Convention from the said Thirtieth Senate district, and that the seats in said Convention now occupied by your petitioner and the said Charles Beckwith, and for which certificates of election have heretofore been issued to your petitioner and to the said Charles Beckwith, be awarded to the said Harvey W. Putnam and the said Thomas A. Sullivan, and further praying that proceedings be had to that end.

Your petitioner further shows: That the said Convention and the said Joseph H. Choate, did then and there receive the petition so presented by the said Harvey W. Putnam and Thomas A. Sullivan, and did refer the said petition to a committee for that purpose appointed by the said Joseph H. Choate, to investigate and take testimony and to subpoena witnesses in the said Thirtieth Senate district and elsewhere, and to report to the said Con-

vention as to the allegations of fact set forth in said petition, and also to report their conclusions of law thereon.

And your petitioner further shows upon information and belief, that the said Joseph H. Choate and the said Convention do now threaten to pass judicially on the questions of fact and of law presented in said petition and threaten to unseat the petitioner and to exclude him from membership of the said Convention and to exclude him from his rights and privileges as a delegate to the said Convention. Your petitioner further shows that if the said Convention proceeds in said threatened act the petitioner will sustain great and irreparable injury for which he will have no adequate remedy by the ordinary proceedings at law or in equity.

Your petitioner further shows that the acts herein sought to be prohibited and restrained are the acts of said Convention as a body and not the acts of the members thereof individually, that no previous application for an order or writ of prohibition herein has been made.

Wherefore your petitioner prays that a writ of prohibition be issued out of this court directed to the said Convention to Revise and Amend the Constitution and to the said Joseph H. Choate, the President of the said Convention to Revise and Amend the Constitution, and to the said Harvey W. Putnam, and the said Thomas A. Sullivan, each and every one of them to desist and refrain from taking any any further action touching the rights of the petitioner to a seat in said Convention, and to refrain from any acts interfering with or in any manner abridging the petitioner's rights and privilege as a member of the said Convention so long as the petitioner shall conform with the rules and regulations adopted for the government of the said Convention.

HERMAN F. TRAPPER.

STATE OF NEW YORK, }
COUNTY OF ERIE, CITY OF BUFFALO. }

Herman F. Trapper, being duly sworn, says that he is the petitioner in this proceeding ; that he has read the foregoing petition, and knows the contents thereof ; that the same is true to the knowledge of the deponent, except as to the matters therein

stated to be alleged upon information and belief, and that as to those matters he believes it to be true.

HERMAN F. TRAPPER.

Sworn to before me this 11th day of May, 1894.

F. H. DUCKWITZ,

Notary Public in and for Erie County, N. Y.

Read on motion May 12th, 1894

STEPHEN L. MAYHAM,

Justice Supreme Court.

At a Special Term of the Supreme Court, held at Chambers at Schoharie, in and for the Third Judicial District, on the 12th day of May, 1894.

Present—Hon. Stephen L. Mayham, Justice Presiding.

THE PEOPLE OF THE STATE OF NEW
YORK, EX REL. HERMAN F. TRAPPER,

vs.

THE CONVENTION TO REVISE AND
AMEND THE CONSTITUTION, JOS. F.
CHOATE, PRESIDENT OF THE CONVENTION
TO REVISE AND AMEND THE CONSTITUTION,
AND HARVEY W. PUTNAM AND THOS.
A. SULLIVAN.

On reading and filing the petition of Herman F. Trapper, verified the 11th day of May, 1894, and after hearing Frederick Haller, Esq., attorney for the petitioner, no one opposing, it is

Ordered : That a writ of prohibition issue out of this court to the Convention to Revise and Amend the Constitution, and to Joseph H. Choate, President of the Convention to Revise and Amend the Constitution, and to Harvey W. Putnam, and to Thomas A. Sullivan, commanding the said Convention and the said Joseph H. Choate, President of the said Convention, and the said Harvey W. Putnam and the said Thomas A. Sullivan, and each and every one of them to desist and refrain from taking any further action touching the rights of the relator and petitioner herein to a seat in the said Convention and to refrain from any acts interfering with or in any manner abridging the petitioner's rights and privileges as a member of the said Convention so long

as the petitioner shall comply with the rules and regulations adopted for the government of the said Convention, except as to the taking of testimony in proceedings already instituted, and that said writ be returnable on the 2d day of June, 1894, at ten o'clock in the forenoon of that day at a Special Term of the Supreme Court at Hudson appointed to be held before Justice Edwards: Let said writ and papers be served according to law on or before May 22, 1894.

THE PEOPLE OF THE STATE OF NEW YORK, To the Convention to Revise and Amend the Constitution, and Joseph H. Choate, President of the Convention to Revise and Amend the Constitution, and to Harvey W. Putnam, and to Thomas A. Sullivan :

Whereas, Herman F. Trapper has presented to our Supreme Court on the 12th day of May, 1894, a petition and affidavit, duly verified, setting forth grounds sufficient for this writ, and has prayed relief of our said court and our writ of prohibition to restrain the proceedings hereinafter mentioned, we, therefore, being willing that the laws and customs of our State should be observed and that our citizens should in no wise be oppressed, do command you that you desist and refrain from any further proceedings in the matter of proving, examining, investigating, deciding or judging upon the qualification or election of the said Herman F. Trapper, or abridging or intermeddling in any manner with the rights or privileges of said Herman F. Trapper as a member of said Convention, or as a delegate to the said Convention, and that you make no order or adjudication with respect thereto, inconsistent with or in any manner prejudicial to the rights, privileges or interest of said Herman F. Trapper as a member of said Convention, until the further order of this Court, except as to the taking of testimony before a committee already constituted in a proceeding.

And that you show cause on the 2d day of June, 1894, at ten o'clock in the forenoon of said day, before a Special Term of the Supreme Court of the State of New York, at Hudson, appointed to be held before Justice Edwards, why you should not be absolutely restrained from any further proceedings in respect to the said petition of said Harvey W. Putnam and said Thomas A. Sullivan, and in respect to the said seat and rights and privi-

leges of said Herman F. Trapper, as a member of said Convention to Revise and Amend the Constitution.

Witness, the Hon. S. L. Mayham, one of the Justices of the Supreme Court, at a Special Term, at Chambers, in (L. S.) the County of Schoharie, the 12th day of May, 1894.

By the Court,

ARTHUR L. MEAD,

Clerk.

FREDERICK HALLER,

Attorney for Relator.

Mr. President referred said communication to the Committee on Judiciary, to report as speedily as possible.

Mr. Crosby presented a memorial and petition of Rev. A. M. Smeallie and others against taxation for religious or sectarian purposes, which was referred to the Committee on the Powers and Duties of the Legislature.

Mr. Morton presented a petition from William H. Johnson, editor of the "Albany Capitol," praying that the word "color" may be stricken out of the Constitution, which was referred to the Committee on Suffrage.

Mr. Morton moved that the Committee on Suffrage be discharged from the consideration of said petition, and that the same be referred to the Committee on Apportionment.

Mr. President put the question on said motion, and it was determined in the negative.

Mr. Roche offered a resolution in words following:

Resolved, That the State Comptroller be, and is hereby requested to transmit to this Convention a statement of the amount that has been paid each year for the past five fiscal years, to Judges of the Court of Appeals and Justices of the Supreme Court, pursuant to section 13 of article 6 of the Constitution; and also the amount appropriated at the recent session of the Legislature for former judges of said courts, or the family of any deceased judge.

Tabled under the rule.

Also:

Resolved, That the Secretary of this Convention is hereby requested to correspond with the Mayor of each city in this State and obtain from him a statement showing:

1. The total funded debt of said city (after deducting the amount in its sinking fund applicable to the payment of such debt) at the close of the last fiscal year of said city.
2. The total assessed valuation of the real and personal property in said city as appears by the last assessments-rolls.
3. The percentage of valuation at which property is usually assessed in said city for the purposes of taxation.
4. The rate per cent of tax on each one hundred dollars of valuation as shown by the last tax levy.
5. The time of payment of the longest of the present outstanding bonds of said city.

And said Secretary is also hereby requested to correspond with the County Treasurers of the several counties of this State and procure from them a statement showing:

1. The total funded debt of said county.
2. The assessed valuation of the real and personal property in each of said counties as appears by the last assessment-roll.
3. The rate per cent of tax on each one hundred dollars of valuation imposed in said county for county and State purposes.
4. The time of payment of the longest of the outstanding bonds of said county.

And the Mayors of said several cities and the County Treasurers of the said several counties respectively are hereby requested to furnish such statements to the Secretary of this Convention. When such statements are received the Secretary shall cause them to be properly arranged and presented in tabular form to this Convention.

Tabled under the rule.

Also :

Resolved, That the Clerks of the several courts in the counties of New York, Kings, Westchester, Albany, Rensselaer, Schenectady, Onondaga, Monroe and Erie, in which persons are naturalized, pursuant to the laws of the United States, are hereby required to transmit to this Convention a statement of the number of persons naturalized in the said courts respectively, during the years 1888, 1891, 1892 and 1893, and to specify in said statements how many of such persons were naturalized during the

month of October in each of said years, and also the number of females who were naturalized during said years.

Tabled under the rule.

No. 1—By Mr. Holls, an overture, proposing amendment to article 10 of the Constitution, on Civil Service of the State, which was referred to the Committee on Governor and State Officers.

2.—Also, proposing amendment to article 8 of the Constitution, prohibiting all sectarian appropriations.

Referred to Committee on Education.

3.—Also, proposing amendment to article 8 of the Constitution, relating to separation of city elections from National and State.

Referred to Committee on Cities.

4.—Also, proposing amendment to article 4 of the Constitution, changing term and time of election of Governor.

Referred to Committee on Governor and State Officers.

5.—By Mr. Dickey.

Proposing amendment to section 15, article 6 of the Constitution, doing away with Justices of Sessions.

Referred to Committee on Judiciary.

6.—Also, proposing amendment to article 10 of the Constitution, doing away with the office of Coroner as a constitutional office.

Referred to Committee on County, Town and Village Officers.

7.—Also, proposing amendment to article 1 of the Constitution providing that jurors shall be six in number.

Referred to Committee on Judiciary.

8.—By Mr. Gilbert.

Proposing amendment to article 2 of the Constitution relating to the qualification of voters.

Referred to Committee on Suffrage.

9.—By Mr. Alvord.

Proposing amendment to section 7 of article 7 of the Constitution entitled "Salt Springs."

Referred to Committee on Salt Springs.

10.—By Mr. McMillan.

Proposing amendment to section 6 of article 7 of the Constitution, relating to canals.

Referred to Committee on Canals.

11.—Also, proposing amendment to section 16 of article 3 of the Constitution, relating to the Legislature.

Referred to Committee on Legislative Powers.

12.—Also, proposing amendment to section 13 of article 1 of the Constitution, relating to taxation.

Referred to Committee on State Finances and Taxation.

13.—By Mr. Vedder.

Proposing amendment to sections 2, 3, 4 and 5 of article 3 of the Constitution, relating to apportionment.

Referred to Committee on Apportionment.

14.—By Mr. Marks.

Proposing amendment to article 4, section 5, providing for a Court of Pardons.

Referred to Committee on Governor and State Officers.

15.—Also, proposing amendment to article 1, section 7 of the Constitution, providing for compensation and for taking private property for public use.

Referred to Committee on Judiciary.

16.—Also, proposing amendment to article 3, section 6 of the Constitution, relating to salary of Senators and Members of Assembly.

Referred to Committee on Legislature, its Powers and Duties.

17.—Also, proposing amendment to article 1, section 2 of the Constitution, relating to drawing of additional jurors.

Referred to Committee on Judiciary.

18.—Also, proposing amendment to article 3, section 1 of the Constitution, relating to duration of term of legislative officers.

Referred to Committee on Legislature and its Organization.

19.—Also, proposing amendment to article 6, section 2 of the Constitution, relating to Judges of the Court of Appeals.

Referred to the Committee on Judiciary.

20.—Mr. Dean proposing amendment to article 7 of the Constitution, extending the right of the Legislature to contract debts and for completion of the New Capitol.

Referred to Committee on State Finances.

21.—Also, proposing amendment to article 2 of the Constitution, enfranchising women.

Referred to Committee on Suffrage.

22.—Also, proposing amendment to article 8 of the Constitution, providing home rule for cities.

Referred to Committee on Cities.

23.—Also, proposing amendment to article 6 of the Constitution, so as to abolish all commissions.

Referred to Committee on Legislature, its Powers and Duties.

24.—Also, proposing amendment to article 1, section 3 of the Constitution, relating to guarantee of religious freedom.

Referred to Committee on Legislature, its Powers and Duties, and also to Taxation.

25.—Also, proposing amendment to article 6, section 13 of the Constitution, relating to the age limit of judges and justices.

Referred to Committee on Judiciary.

26.—Also, proposing amendment to article 7 of the Constitution, by adding thereto section 15, relating to the rights of the people.

Referred to Committee on Canals.

Mr. Cookinham moved that the sessions of the Convention be from 11 o'clock A. M. until 2 o'clock P. M.

Mr. McMillan moved to amend by striking out "11," and inserting in lieu thereof, the word "10."

Mr. President put the question on the motion of Mr. McMillan, and it was determined in the affirmative by the following vote:

Ayes.—Mr. Abbott, Mr. Acker, Mr. Arnold, Mr. Barnum, Mr. Barrow, Mr. Becker, Mr. Blake, Mr. Bowers, Mr. Brown, E. A.; Mr. Brown, E. R.; Mr. Carter, Mr. Chipp, Jr.; Mr. Clark, G. W.; Mr. Clark, H. A.; Mr. Cochran, Mr. Coleman, Mr. Cornwell, Mr. Countryman, Mr. Crimmins, Mr. Crosby, Mr. Davenport, Mr. Davies, J. C.; Mr. Davis, G. A.; Mr. Dean, Mr. Deyo, Mr. Doty, Mr. Durfee, Mr. Faber, Mr. Farrell, Mr. Fitzgerald, F. T.; Mr. Foote, Mr. Forbes, Mr. Frank, Augustus; Mr. Fraser, Mr. Fuller, C. A.; Mr. Giegerich, Mr. Goeller, Mr. Green, A. H.; Mr. Green, J. I.; Mr. Griswold, Mr. Hamlin, Mr. Hecker, Mr. Herzberg, A.; Mr. Hill, Mr. Holls, Mr. Hottenroth, Mr. Jenks, Mr. Johnson, I. Sam; Mr. Johnson, J.; Mr. Kerwin, Mr. Lester, Mr. Manley, Mr. Marks, Mr. Marshall, Mr. McArthur, Mr. McCurdy, Mr. McIntyre, Mr. McLaughlin, J. W.; Mr. Mereness, Mr. Moore, Mr. Morton, Mr. O'Brien, Mr. Ohmeis, Mr. Osborn, Mr. Peabody, Mr. Platzek, Mr. Porter, Mr. Redman, Mr. Roderick, Mr. Rogers, Mr. Root, Mr. Springweiler, Mr. Tekulsky, Mr. Truax, C. H.; Mr. Truax, C. S.; Mr. Turner, Mr. Vogt, Mr. Whitmyer, Mr. Wiggins, Mr. Woodward — 80.

Noes.—Mr. Ackerly, Mr. Allaben, Mr. Alvord, Mr. Baker, Mr. Banks, Mr. Barhite, Mr. Beckwith, Mr. Bigelow, Mr. Burr, Mr. Cady, Mr. Cassidy, Mr. Church, Mr. Cookinham, Mr. Curran, Mr. Danforth, Mr. Deady, Mr. Dickey, Mr. Durnin, Mr. Emmet, Mr. Fields, Mr. Floyd, Mr. Francis, Mr. Frank, Andrew, Mr. Fuller, O. A.; Mr. Galinger, Mr. Gibney, Mr. Gilbert, Mr. Gilleran, Mr. Goodelle, Mr. Hawley, Mr. Hedges, Mr. Hirschberg, M. H.; Mr. Kellogg, Mr. Kimmey, Mr. Lauterbach, Mr. Lewis, C. H.; Mr. Lincoln, Mr. Mantanye, Mr. Maybee, Mr. McClure, Mr. McDonough, Mr. McKinstry, Mr. Meyenborg, Mr. Mulqueen, Mr. Nichols, W. H.; Mr. Parker, Mr. Parkhurst, Mr. Parmenter, Mr. Peck, Mr. Phipps, Mr. Pool, Mr. Pratt, Mr. Riggs, Mr. Roche, Mr. Rowley, Mr. Sandford, Mr. Schumaker, Mr. Speer, Mr. Spencer, Mr. Steele, A. B.; Mr. Steele, W. H.; Mr. Storm, Mr. Sullivan, Mr. Tibbetts, Mr. Titus, Mr. Van Denbergh, Mr. Vedder, Mr. Veeder, Mr. Wellington, Mr. Williams—69.

Mr. President put the question on the motion of Mr. Cookinham, as amended, and it was determined in the affirmative.

Mr. H. A. Clark offered a resolution in words following:

Resolved that no sessions be held on Saturday, Sunday or on legal holidays.

Mr. President put the question on said motion, and it was determined in the negative.

Mr. W. H. Steele moved to amend said resolution by adding at the end thereof the words "except that on Mondays the sessions shall commence at 8 o'clock, P. M."

Mr. Holls moved to refer the resolution with the amendments to the Committee on Rules.

Mr. President put the question on the motion of Mr. Holls, and it was determined in the negative.

Mr. McClure called for a division of the question.

Mr. President put the question on that part of the resolution that there shall be no sessions on Saturdays, Sundays, or legal holidays, and it was determined in the affirmative.

Mr. President then announced the question to be as to whether there shall be a session on Monday.

Mr. Clark then accepted the amendment offered by Mr. Steele, relating to Monday evening sessions.

Mr. Tekulsky moved that the resolution be laid on the table.

Mr. President put the question on said motion, and it was determined in the affirmative.

Mr. Acker moved that there be no sessions held on Monday, until further order of the Convention.

Mr. President put the question on said motion, and it was determined in the affirmative.

Mr. Vedder moved that the vote by which the resolution offered by Mr. H. A. Clark, that no sessions be held on Saturday, Sunday or legal holidays, be reconsidered and that that motion be laid on the table.

Mr. President put the question on said motion, and it was determined in the affirmative.

Mr. McClure moved that the vote by which 10 o'clock was fixed as the hour of meeting, be reconsidered and that that motion lay on the table.

Mr. President put the question on said motion, and it was determined in the affirmative.

On motion of Mr. McMillan, at 1.30, the Convention adjourned to meet at 10 o'clock to-morrow morning.

Wednesday, May 23, 1894.

The Convention met pursuant to adjournment.

Prayer by Rev. R. H. Shirley.

The Journal of Tuesday, May 22, was read and approved.

Mr. President administered the oath of office to James C. Sheldon, Marcus M. Cass, Jr., and E. W. Parkhill, assistant secretaries; and to Assistant Sergeant-at-Arms Mr. John McElroy.

Mr. President presented a communication from the postmaster of the Convention, relating to the post-office, which was referred to the Committee on Contingent Expenses.

Mr. President assigned Mr. J. W. Jones, assistant librarian, to assist the postmaster.

Mr. President announced the following appointments:

APPOINTMENTS.

Messenger — Edward M. Seacord, of Cortland, in place of C. E. Boyden, resigned.

Page — Samuel Palmer, of Albany.

Mr. Holls presented a memorial from the National League for the Protection of American Institutions, in behalf of the common free schools, and to prohibit sectarian appropriations.

Referred to Committee on Education.

Mr. G. A. Davis presented a memorial from citizens of Buffalo on the same subject.

Referred to Committee on Education.

Mr. President presented a memorial from the Presbytery of New York on the same subject.

Referred to Committee on Education.

Mr. President also presented a petition from the Woman's Christian Temperance Union for the prohibition of the traffic in intoxicating liquors.

Referred to Committee on Legislature, its Powers and Duties.

27.— By Mr. Johnston:

Proposing amendment to article 3 of the Constitution, regulating the salaries of members of the Legislature.

Which was referred to the Committee on Legislative Powers and Duties.

28.— By Mr. Platzek:

Proposing amendment to article 1, section 2 of the Constitution, so as to permit three-fourths of the jurors in civil actions to render a verdict.

Which was referred to the Committee on Judiciary.

29.— By Mr. Emmet:

Proposing amendment to article 2, section 2 of the Constitution, relating to the exercise of the right of franchise by persons convicted of bribery or infamous crimes.

Referred to the Committee on Suffrage.

30.— By Mr. Emmet:

Proposing amendment to article 4, section 5 of the Constitution, relating to the power of the Governor to restore the right of franchise to persons convicted of bribery or infamous crimes.

Referred to the Committee on Governor and State Officers.

31.— By Mr. Lauterbach:

Proposing amendment to article 2 of the Constitution, relating to the right of suffrage by naturalized citizens.

Referred to the Committee on Suffrage.

32.— Also, proposing amendment to article 3 of the Constitution, in regard to apportionment.

Referred to the Committee on Legislative Organization.

33.—Also, proposing amendment to article 6 of the Constitution, in relation to the judiciary of the State.

Referred to Committee on Judiciary.

34.—Also, proposing amendment to article 12 of the Constitution, as to oaths of officers.

Referred to Committee on Legislative Powers and Duties.

35.—Also, proposing amendment to article 4 of the Constitution, relating to the powers and duties of the Governor.

Referred to Committee on Governor and State Officers.

36.—Also, proposing amendment to article 1 of the Constitution, as to judgments on appeal, protection of witnesses, etc.

Referred to Committee on Judiciary.

37.—Also, proposing amendment to article 5 of the Constitution, in relation to the election of State Engineer, etc.

Referred to Committee on Governor and State Officers.

38.—Also, proposing amendment to article 10 of the Constitution, relating to the charters of cities and the election of officers therein.

Referred to Committee on Cities.

39.—Also, proposing amendment to Constitution, adding a new article in respect to the election of Presidential electors.

Referred to the Committee on Judiciary.

By Mr. Holls.

40.—Proposing amendment to article 11 of the Constitution, regarding the militia.

Referred to the Committee on Militia.

By Mr. Maybee.

41.—Proposing amendment to article 6, section 15 of the Constitution, enlarging the jurisdiction of the county courts.

Referred to Committee on Judiciary.

By Mr. Moore.

42.—Proposing amendment to article 6, section 2 of the Constitution, relating to the Court of Appeals and the judges thereof.

Referred to Committee on Judiciary.

43.—Also, proposing amendment to article 4, section 1 of the Constitution, relative to the election of Governor, etc., and the appointment of certain State officers.

Referred to Committee on Governor and State Officers.

44.—Also, proposing amendment to article 6, section 15 of the Constitution, relating to County and Surrogates' Courts.

Referred to Committee on Judiciary.

45.— Also, proposing amendment to article 2, section 1 of the Constitution, relative to female voters.

Referred to Committee on Suffrage.

46.— Also, proposing amendment to article 8, section 1 of the Constitution, relative to the formation of corporations.

Referred to Committee on Corporations.

47.— By Mr. E. R. Brown.

Proposing amendment to article 1 of the Constitution, prohibiting public officers from riding on passes.

Referred to Committee on Governor and State Officers, and Railroads.

48.— By Mr. Cookinham.

Proposing amendment to article 3, sections 4 and 5 of the Constitution, relative to the enumeration of the inhabitants of the State.

Referred to Committee on Legislative Organization.

49.— By Mr. Mereness.

Proposing amendment to article 3 of the Constitution, relating to the compensation of public officers.

Referred to Committee on Governor and State Officers, and County, Town and Village Government.

50.— Also, proposing amendment to article 8, section 1 of the Constitution relating to corporations.

Referred to Committee on Corporations.

51.— Also, proposing amendment to article 8, section 12 of the Constitution, relating to the incorporation of villages.

Referred to Committee on County, Town and Village Government.

52.— By Mr. Kellogg.

Proposing amendment to article _____ of the Constitution relative to the liability of employers to employees.

Referred to Committee on Industrials.

53.—By Mr. Goodelle.

Proposing amendment to article 1, section 2 of the Constitution, relating to trials by jury.

Referred to Committee on Judiciary.

54.—By Mr. Marshall.

Proposing amendment to article of the Constitution, relating to the free transportation by railroads of certain public officers.

Referred to Committee on Railroads and State Officers.

55.—By Mr. Mantanye.

Proposing amendment to article 3, section 22 of the Constitution, relative to county boards of supervisors.

Referred to Committee on County, Town and Village Government.

56.—By Mr. Tibbetts.

Proposing amendment to article 10, section 1 of the Constitution, relating to Sheriffs.

Referred to Committee on County, Town and Village Government.

57.—By Mr. Porter.

Proposing amendment to article 2, section 1 of the Constitution, relating to the right of citizens to vote in districts where they reside.

Referred to Committee on Suffrage.

58.—By Mr. Springweiler.

Proposing amendment to article 1 section 6 of the Constitution, relating to conspiracies.

Referred to Committee on Industrial Interests and to State Prisons,

59.—By Mr. Lincoln.

Proposing amendment to article 13, section 2, making constitutional conventions judges of the election and qualifications of members.

Referred to Committee on Constitutional Amendment.

60.—Also, proposing amendment to article 2, section 1 of the Constitution, providing for an educational qualification for voters.

Referred to Committee on Suffrage.

Mr. Kellogg offered a resolution in words following:

Resolved, That the Comptroller be requested to inform this Convention whether he has any record in his office giving the value of property which is exempt from taxation in this State. If so, to give the value of such property.

Tabled under the rule.

Also the following :

Resolved, That the Secretary of the State Board of Charities, be requested to report to this Convention, the number of charitable institutions there are in this State and where the same are located; the number of inmates which each such institution has, together with a statement of the amount of money which has been paid for the support and maintenance of each of said institutions during the last five years.

Tabled under the rule.

Mr. A. H. Green offered a resolution in words following:

Resolved, That a committee of five be appointed to consider and report to the Convention what action, if any, it is desirable that the Convention take relative to improving the methods of transferring and dealing with titles to and interests in lands in this State.

The resolution, giving rise to debate, was tabled under the rule.

Mr. Vedder offered a resolution in words following :

Whereas, Absolute necessity exists for having notices of the committee meetings properly recorded on the bulletin board prepared for that purpose, and to have some person in charge of the same, prepared to give such information with regard thereto as is desired by interested persons ; therefore,

Resolved, That the Secretary of the Constitutional Convention be directed to have all notices of committee meetings duly posted on said bulletin board, and to have some person in charge of the same, to give all necessary information with regard thereto, as is desired by members and others, and at an expense not exceeding

\$300 for the entire sessions of the Convention, to be paid by the Treasurer, on the warrant of the Comptroller, out of any moneys not otherwise appropriated, on the certificate of the Secretary of the Convention.

Referred to Committee on Contingent Expenses.

Mr. President directed the change of reference of the petition offered by Mr. Morton, yesterday, of William H. Johnson, of the "Albany Capitol," asking that the word "color" be stricken from the Constitution from the Committee on Suffrage to the Committee on Legislature, and its organization.

Mr. Holls, from the Committee on Education, reported the following resolution:

Resolved, That the State Comptroller be requested to furnish to the Convention a statement in detail of the sources, extent, nature and present investment and income of every fund and property belonging to or controlled by the State, of which either the principal or interest is devoted to educational uses.

Mr. President put the question on said motion, and it was determined in the affirmative.

Also the following:

Resolved, That the State Comptroller be requested, by the Secretary of the Convention, to furnish a detailed statement of all moneys paid by the State during the past three years, by way of direct or indirect appropriations, as salaries or otherwise, to institutions not owned by the State or a political division thereof, whether under sectarian control or not, giving the name of the institution and the religious denomination or denominations wholly or partly in control.

And, That a like request be made of the chief fiscal officer of every city and county of the State, as to payments by such city or county to such institutions.

Mr. President put the question on said motion, and it was determined in the affirmative.

Mr. Davis, from the Select Committee on the Assignment of Committee Rooms, reported as follows:

To the Constitutional Convention:

Your committee appointed to assign committee rooms to the various committees, do respectively report the following assignment:

Preamble — Assembly room 2, second floor.
 Legislature Organization — Assembly room 3, second floor.
 Legislative Powers and Duties — Assembly room 3, second floor.
 Governor and State Officers — Assembly, Ways and Means.
 Judiciary — Senate Library.
 State Finance and Taxation — Court of Appeals lawyers' room.
 Cities — Assembly Parlor.
 Canals — Assembly room 2, second floor.
 Railroads—Assembly Library.
 Corporations—Assembly Library.
 County, Town and Village Government — Assembly room 4.
 County, Town and Village Officers—Assembly room 5.
 State Prisons and Penitentiaries—Assembly room 7.
 Banking and Insurance—Assembly room 1, second floor.
 Militia—Senate, room 1, second floor.
 Education—Assembly, room 6, second floor.
 Charities—Assembly, room 6, second floor.
 State Finance and Taxation—Court of Appeals, lawyers' room.
 Salt Springs—Senate, room 5.
 Indians—Senate, room 1, second floor.
 Constitutional Amendments—Senate, room 6.
 Revision and Engrossment—Senate, room 2.
 Privileges and Elections—Senate, room 3.
 Printing—Senate, room 4.
 Contingent Expenses—Senate, room 4.
 Rules—President's room.
 Suffrage—Assembly Parlor.

All of which is respectfully submitted,

GEORGE A. DAVIS,

Chairman.

Dated May 23, 1894.

Mr. Davies moved the adoption of the report.

Mr. President put the question on said motion, and it was determined in the affirmative.

Mr. President presented a petition from Charles L. Hallerstadt, contesting the seat now held by Leonard Giegerich, from the Eighth Senatorial District.

Referred to Committee on Privileges and Elections.

Mr. President stated that he had been informed by the Sergeant-at-Arms, that twelve members were without desks, he took the responsibility of ordering their purchase, and he, therefore, referred that matter to the Committee on Contingent Expenses.

Leave of absence was granted to Messrs. Bowers, Moore and Gilbert, for to-morrow. To Mr. A. H. Clark, the balance of this week. To Mr. Crosby, for the balance of this week and for the whole of next week. To Mr. J. E. Lewis, for one week, and to Mr. Maybee for next week.

Mr. Barhite presented a petition of 24,344 citizens of the City of Rochester, requesting that the word "male" be stricken from the State Constitution.

Referred to Committee on Suffrage.

Mr. Redman presented a petition of 8,300 citizens of Rochester, on the same subject.

Referred to Committee on Suffrage.

Mr. Alvord presented a protest of Mrs. Charles Andrews, Mrs. Frank Hiscock, Mrs. James J. Belden, Mrs. George B. Spalding, Mrs. Allen Butler and eighty-seven others, women of Syracuse, against striking out the word "male" from the Constitution.

Referred to Committee on Suffrage.

Mr. Roche called from the table the resolution offered by him in words following :

Resolved, That the State Comptroller be and is hereby requested to transmit to this Convention a statement of the amount that has been paid each year for the past five fiscal years to judges of the Court of Appeals and Justices of the Supreme Court, pursuant to section 13 of article 6 of the Constitution, and also the amount appropriated at the recent session of the Legislature for former judges of said courts, or the family of any deceased judge.

Mr. W. H. Steele moved to amend by adding thereto, the following :

“Unless it be found that such information is not contained in the Compiler's book.”

Mr. Roche accepted the amendment.

Mr. President put the question on said motion, and it was determined in the affirmative.

Mr. Roche called from the table the resolution offered by him in words following :

Resolved, That the clerks of the several courts in the counties of New York, Kings, Westchester, Albany, Rensselaer, Schenectady, Onondaga, Monroe and Erie, in which persons are naturalized pursuant to the laws of the United States, are hereby required to transmit to this Convention a statement of the number of persons naturalized in the said courts, respectively, during the years 1888, 1891, 1892, 1893, and to specify in said statements how many of such persons were naturalized during the month of October in each of said years, and also the number of females who were naturalized during said years.

Mr. President put the question on said motion, and it was determined in the affirmative.

Mr. Roche also called from the table the resolution offered by him in words following :

Resolved, That the secretary of this Convention is hereby requested to correspond with the mayor of each city in this State and obtain from him a statement showing:

1. The total funded debt of said city (after deducting the amount in its sinking fund applicable to the payment of such debt) at the close of the last fiscal year of said city.

2. The total assessed valuation of the real and personal property in said city as appears by the last assessment-rolls.

3. The percentage of valuation at which property is usually assessed in said city for the purposes of taxation.

4. The rate per cent of tax on each one hundred dollars of valuation as shown by the last tax levy.

5. The time of payment of the longest of the present outstanding bonds of said city.

And said Secretary is also hereby requested to correspond with the county treasurers of the several counties of this State and procure from them a statement showing :

1. The total funded debt of said county.
2. The assessed valuation of the real and personal property in each of said counties, as appears by the last assessment-roll.
3. The rate per cent of tax on each one hundred dollars of valuation imposed in said county for county and State purposes.
4. The time of payment of the longest of the outstanding bonds of said county.

And the mayors of the said several cities and the county treasurers of the said several counties respectively are hereby requested to furnish such statements to the Secretary of this Convention. When such statements are received, the Secretary shall cause them to be properly arranged and presented in tabular form to this Convention.

Mr. Rogers moved to amend by inserting after the word "cities" the words, "and the president of all incorporated villages."

Mr. President put the question on the motion of Mr. Rogers, and it was determined in the affirmative.

Mr. Roche then moved to amend said resolution by adding at the end thereof the following : When this information is obtained from the mayors of the cities, and the county treasurers of the several counties that it be printed and presented by the Secretary to the Convention, without waiting to secure the information that is also called for from the presidents of the incorporated villages.

Mr. Root moved to amend the amendment by adding at the end thereof, "and no printing of the reports received shall be done until done under the order of the Convention."

Mr. Lester moved to lay the resolution, with the amendments, on the table.

Mr. President put the question on said motion, and it was determined in the affirmative.

Mr. Kerwin moved that the Compiler be instructed to report to the Convention to-morrow a full statement of the statistics

now in his possession and when they will be printed and ready for the Convention.

Mr. President put the question on said motion, and it was determined in the affirmative.

Mr. Davies moved that the Compiler be instructed to report as early as practicable as to what expense he has incurred and in what manner such expense has been incurred.

Mr. Maybee moved to strike out the words "as soon as practicable" and insert in lieu thereof the words, "on Tuesday morning next."

Mr. President put the question on said motion, and it was determined in the negative.

Mr. Vedder moved that the whole subject be committed to the Committee on Printing.

Mr. President put the question on said motion, and it was determined in the affirmative.

Mr. Moore offered a resolution in words following :

Resolved, That when the several committees report, all memorials, papers and petitions presented to them shall be presented with the report of each to the Convention.

Tabled under the rule.

On motion of Mr. Cookinham, at 12 o'clock, noon, the Convention adjourned.

Thursday, May 24, 1894.

The Convention met pursuant to adjournment.

Prayer by Rev. A. Kennedy Duff.

The Journal of May twenty-third was read and approved.

Mr. Holls presented a protest against striking the word "male" out of the State Constitution.

Referred to Committee on Suffrage.

Mr. Pool presented a petition of 6,151 citizens of Niagara, favoring striking out the word "male" from the State Constitution.

Referred to Committee on Suffrage.

Mr. Church presented a petition of 8,936 citizens of Allegany county on same subject.

Referred to Committee on Suffrage.

Mr. Cornwell, petition of 4,108 citizens of Yates county on same subject.

Referred to Committee on Suffrage.

Mr. Lincoln, petition of 9,868 citizens of Cattaraugus county on same subject.

Referred to Committee on Suffrage.

Mr. Parker, petition of 5,954 citizens of Orleans county on same subject.

Referred to Committee on Suffrage.

Mr. Doty, petition of 3,314 citizens of Livingston county on same subject.

Referred to Committee on Suffrage.

Mr. Bush, petition of 4,824 citizens of Ulster county on same subject.

Referred to Committee on Suffrage.

Mr. O'Brien, petition of 7,574 citizens of Cayuga county on same subject.

Referred to Committee on Suffrage.

Mr. McKinstry, petition of 12,498 citizens of Chautauqua county on same subject.

Referred to Committee on Suffrage.

Mr. Rowley, petition of 5,021 citizens of Columbia county on same subject.

Referred to Committee on Suffrage.

Mr. Vedder, in behalf of Mr. Durfee, petition of 2,375 citizens of Wayne county on the same subject.

Referred to Committee on Suffrage.

Mr. Johnston, protests of ladies of Kings county against striking the word "male" out of the State Constitution.

Referred to Committee on Suffrage.

By Mr. Dean.

Memorial on sectarian appropriations, with statistics from Rev. E. B. Burrows.

Referred to Committee on Charities.

By Mr. Pool.

Memorial and petition of residents of Suspension Bridge on same subject.

Referred to Committee on Charities.

Also, memorial and petition of residents of Niagara Falls on same subject.

Referred to Committee on Charities.

Mr. Tekulsky offered a resolution in words following:

Resolved, That when the convention adjourn on Friday of this week, it be to meet Tuesday, June fifth, at twelve o'clock, noon.

Mr. Goodelle moved that said resolution lay on the table.

Mr. President put the question on said motion, and it was determined in the affirmative.

Mr. Moore offered a resolution in words following:

Resolved, That all overtures presented be read through on introduction.

Mr. J. C. Davies moved to lay said resolution on the table.

Mr. President put the question on said motion, and it was determined in the affirmative.

Mr. Moore moved that all overtures be printed on presentation, and laid on the tables of members the next day after presentation, and that all overtures thus far presented be also printed.

Mr. Mulqueen moved that this subject be referred to the Committee on Rules, and that that committee be instructed to report a rule covering that subject.

Mr. Moore accepted the amendment.

Mr. President put the question on said motion, and it was determined in the affirmative.

Mr. Moore called up his resolution in words following:

Resolved, That when the several committees report, all memorial papers and petitions presented to them shall be presented with the report of each to the Convention.

Mr. Mulqueen moved to lay said resolution upon the table.

Mr. President put the question on said motion, and it was determined in the affirmative.

Mr. Kellogg called from the table the resolution offered by him in words following:

Resolved, That the Comptroller be requested to inform this Convention whether he has any report in his office giving the value of property which is exempt from taxation in this State, If so, to give the value of such property.

Mr. J. Johnson moved to amend by adding: "Also, the location of such property by counties, and its value."

Mr. Kellogg accepted the amendment.

Mr. Griswold moved to amend by adding, "except State and national property."

Mr. Holcomb moved to amend said resolution by adding at the end thereof, "and the laws under which such exemptions are made."

Mr. Kellogg accepted the amendments.

Mr. E. R. Brown moved that said resolution be referred to the Committee on Finance and Taxation.

Mr. President put the question on said motion, and it was determined in the affirmative.

Mr. Cookinham offered a resolution in words following:

Resolved, That the Secretary be requested to invite the clergymen of the city of Albany, in charge of parishes, to open the daily sessions of the Convention with prayer.

Mr. President put the question on said motion, and it was determined in the affirmative.

Mr. Becker offered a resolution in words following:

Resolved, That the Committee on Rules ascertain and report on the first legislative day of next week the propriety of furnishing a daily report of the proceedings of this Convention to each of the newspapers published in this State, and the estimated expense thereof.

Mr. Deady moved that said resolution be laid on the table.

Mr. President put the question on said motion, and it was determined in the affirmative.

Mr. McMillan offered a resolution in words following :

Resolved, That the Secretary of this Convention be, and he hereby is directed to transmit to the eight law libraries of the State, one copy each of all proposed amendments to the Constitution as soon as printed.

The resolution, giving rise to debate, was tabled under the rule.

Mr. Lincoln offered a resolution in words following:

Resolved, That the clerk of each of the counties in this State be required to transmit to the Secretary of this Convention, on or before the fifteenth day of June next, a statement of the number of persons naturalized in said county, under the laws of the United States, during the year 1893, classifying the same according to nationality.

Mr. President put the question on said resolution, and it was determined in the affirmative.

61.—Mr. Johnson presented the following:

Proposing amendment to article 10, section 3 of the Constitution, relating to the tenure of office.

Referred to Committee on Governor and State Officers.

62.—Also, proposing amendment to article 6, section 18 of the Constitution, relating to police justices and justices of inferior courts in cities and towns.

Referred to Committee on County, Town and Village Officers.

63.—By Mr. Bigelow:

Proposing amendment to article 3, section 16 of the Constitution, regulating the introduction and passage of local and private bills.

Referred to Committee on Legislature, its Powers and Duties.

64.—By Mr. Holls:

Proposing amendment to article 2 of the Constitution, empowering the Legislature to enforce by law the duty of voting.

Referred to Committee on Suffrage.

65.—By Mr. Maybee:

Proposing amendment to the Constitution by making the office of Surrogate a separate office in each county of the State.

Referred to Committee on Judiciary.

66.—By Mr. Roche:

Proposing amendment to article 6 of the Constitution, prohibiting county judges and surrogates from practicing law and justices of the peace from acting in Courts of Sessions.

Referred to Committee on Judiciary.

67.—By Mr. McDonough:

Proposing amendment to article 7, section 6 of the Constitution, providing for transferring the State canals to the United States.

Referred to Committee on Canals.

68.—By Mr. Kellogg:

Proposing amendment to the Constitution relating to exempting property from taxation.

Referred to Committee on State Finances and Taxation.

69.—By Mr. Marshall:

Proposing amendment to article 8, section 7 of the Constitution, relative to the liability of stockholders of banking corporations.

Referred to Committee on Banking:

70.—By Mr. Mantanye.

Proposing amendment to article 6 of the Constitution, changing the term of office of judges of the Supreme Court and city courts to eight years.

Referred to Committee on Judiciary.

71.—By Mr. Hill :

Proposing amendment to article 3, section 8 of the Constitution, relating to the eligibility of persons for election to the Legislature.

Referred to Committee on Legislature and its Organization.

72.—Also, proposing amendment to article 8 of the Constitution, relating to city charters.

Referred to Committee on Cities.

73.—By Mr. Vedder :

Proposing amendment to article 3, section 15 of the Constitution, relative to the passage of bills.

Referred to Committee on Legislature, its Powers and Duties.

Mr. Root, from the Committee on Rules, presented a report in words following :

CHAPTER I.

Powers and Duties of the President and Vice-Presidents.

Rule 1. The President shall take the chair each day at the hour to which the Convention shall have adjourned. He shall call to order, and, except in the absence of a quorum, shall proceed to business in the manner prescribed by these rules.

Rule 2. He shall possess the powers and perform the duties herein prescribed, viz.:

1. He shall preserve order and decorum, and, in debate, shall prevent personal reflections, and confine members to the question under discussion. When two or more members rise at the same time, he shall name the one entitled to the floor.

2. He shall decide all questions of order, subject to appeal to the Convention. On every appeal he shall have the right, in his place, to assign his reason for his decision. In case of such appeal no member shall speak more than once.

3. He shall appoint all committees, except where the Convention shall otherwise order.
4. He may substitute any member to perform the duties of the chair during the absence or inability of both Vice-Presidents, but for no longer period than two consecutive legislative days, except by special consent of the Convention.
5. When the Convention shall be ready to go into Committee of the Whole, he shall name a chairman to preside therein, subject to right of committee to elect its own chairman.
6. He shall certify the passage of all amendments by the Convention, with the date thereof.
7. He shall designate the persons who shall act as reporters for the public press, not exceeding thirty in number; but no reporter shall be admitted to the floor who is not an authorized representative of a daily paper. Such reporters, so appointed, shall be entitled to such seats as the President shall designate, and shall have the right to pass to and fro from such seats in entering or leaving the Assembly Chamber. No reporter shall appear before any of the committees in advocacy of, or in opposition to, anything under consideration before such committee. A violation of this rule will be sufficient cause for the removal of such reporter. Removal for this cause shall be vested in the President.
8. He shall not be required to vote in ordinary proceedings, except where his vote would be decisive. In case of a tie vote the question shall be lost. He shall have general control, except as provided by rule or law, of the Assembly Chamber and of the corridors and passages in that part of the Capitol assigned to the use of the Convention. In case of any disturbance or disorderly conduct in the galleries, corridors or passages, he shall have the power to order the same to be cleared, and may cause any person guilty of such disturbance or disorderly conduct to be brought before the bar of the Convention. In all such cases the members present may take such measures as they shall deem necessary to prevent a repetition of such misconduct, either by the infliction of censure or pecuniary penalty, as they may deem best, on the parties thus offending.
9. He shall also be ex officio member and chairman of the Committee on Rules.
10. In the absence of the President, or his inability to preside, his duties shall devolve upon the First Vice-President, or, if he also be absent, upon the Second Vice-President.

CHAPTER II.

Order of Business.

Rule 3. The first business of each day's session shall be the reading of the Journal of the preceding day, and the correction of any errors that may be found to exist therein. Immediately thereafter, except on days and at times set apart for the consideration of special orders, the order of business shall be as follows:

1. Presentation of memorials. Under which head shall be included petitions, remonstrances and communications from individuals, and from public bodies.

2. Communications from the Governor and other State officers, Under this head shall be embraced also communications from public officers and from corporations in response to calls for information.

3. Notices, motions and resolutions, to be called for by districts, numerically.

4. Propositions for amendment, by districts in numerical order.

5. Reports of standing committees in the order stated in Rule 15.

6. Reports of select committees.

7. Third reading of proposed amendments.

8. Unfinished business of General Orders.

9. Special orders.

10. General Orders.

Reports from Committee on Revision and Engrossment may be received under any order of business.

CHAPTER III.

Rights and Duties of Members.

Rule 4. Petitions, memorials, remonstrances and any other papers addressed to the Convention shall be presented by the President, or by any member in his place, read by their titles and referred to the proper committee.

Rule 5. Every member presenting a paper shall indorse the same; if a petition, memorial, remonstrance or communication in answer to a call for information, with a concise statement of its subject, and his name; if a notice or resolution, with his name; if

a proposition for amendment, with a statement of its title and his name; if a proposition of any other kind for the consideration of the Convention, with a statement of its subject, the proposer's name, and the reference, if any, desired. A report of a committee must be indorsed with a statement of such report, together with the name of the committee making the same, and shall be signed by the chairman.

Rule 6. Every member who shall be within the bar of the Convention, when a question is stated from the chair, shall vote thereon unless he be excused by the Convention, or unless he be directly interested in the question; nor shall the roll of absentees be more than once called. The bar of the Convention shall be deemed to include the body of the Convention Chamber.

Rule 7. Any member requesting to be excused from voting may make, when his name is called, a brief statement of the reasons for making such request, not exceeding three minutes in time, and the Convention, without debate, shall decide if it will grant such request; but nothing in this rule contained shall abridge the right of any member to record his vote on any question previous to the announcement of the result.

CHAPTER IV.

Order and Decorum.

Rule 8. No member rising to debate, to give notice, make a motion, or present a paper of any kind, shall proceed until he shall have addressed the President, and been recognized by him as entitled to the floor. While the President is putting a question or a count is being had, no member shall speak or leave his place; and while a member is speaking no member shall entertain any private discourse or pass between him and the chair.

Rule 9. When a motion to adjourn, or for a recess, shall be carried, no member or officer shall leave his place till the adjournment or recess shall be declared by the President.

Rule 10. No persons, except members of the Convention and the officers thereof, shall be permitted within the Secretary's desk, or the rooms set apart for the use of the Secretary, during the session of the Convention, and no member or other person shall visit or remain by the Secretary's table while the yeas and nays are being called, except officers of the Convention in the discharge of their duties.

CHAPTER V.

Order and Debate.

Rule 11. No member shall speak more than once on the same question until every member desiring to speak on such question shall have spoken; nor more than twice on any question without leave of the Convention.

Rule 12. If any member, in speaking, transgress the rules of the Convention, the President shall, or any member may, call to order, in which case the member so called to order shall immediately sit down, and shall not rise unless to explain or proceed in order.

Rule 13. All questions relating to the priority of one question or subject-matter over another, under the same order of business, the postponement of any special order, or the suspension of any rule, shall be decided without debate.

Rule 14. All questions of order, as they shall occur, with the decisions thereon, shall be entered in the Journal, and at the close of the day's session a statement of all such questions and decisions shall be printed at the close of and as an appendix to the Journal.

CHAPTER VI.

Committees and Their Duties.

Rule 15. The President shall appoint the following standing committees to report upon the subjects named, and such others as may be referred to them, viz.:

1. On the preamble and the bill of rights, to consist of eleven members.

2. On the Legislature, its organization and the number, apportionment, election, tenure of office and compensation of its members, to consist of seventeen members.

3. On the powers and duties of the Legislature, except as to matters otherwise referred, to consist of eleven members.

4. On the right of suffrage and the qualifications to hold office, to consist of seventeen members.

5. On the Governor and other State officers, their election or appointment, tenure of office, compensation, powers and duties, except as otherwise referred, to consist of seventeen members.

6. On the judiciary, to consist of seventeen members.

7. On the State finances, revenues, expenditures and taxation, and restrictions on the powers of the Legislature in respect thereto and to public indebtedness, to consist of seventeen members.

8. On cities, their organization, government and powers, to consist of seventeen members.

9. On canals, to consist of eleven members.

10. On railroads, transportation, and electrical transmission, to consist of seventeen members.

11. On counties, towns and villages, their organization, government and powers, to consist of seventeen members.

12. On county, town and village officers, other than judicial, their election or appointment, tenure of office, compensation, powers and duties, to consist of seventeen members.

13. On State prisons and penitentiaries, and the prevention and punishment of crime, to consist of eleven members.

14. On corporations and institutions, not otherwise herein specified, to consist of seventeen members.

15. On currency, banking and insurance, to consist of eleven members.

16. On the militia and military officers, to consist of seven members.

17. On education and the funds relating thereto, to consist of seventeen members.

18. On charities and charitable institutions, to consist of seventeen members.

19. On industrial interests, except those already referred, to consist of seventeen members.

20. On the salt springs of the State, to consist of seven members.

21. On the relations of the State to the Indians residing therein, to consist of seven members.

22. On future amendments and revisions of the Constitution, to consist of seven members.

23. Revision and angrossment, to consist of seven members.

24. Privileges and elections, to consist of eleven members.

25. Printing, to consist of seven members.

26. Contingent expenses, to consist of seven members.

27. Rules, to consist of seven members, and the President.

Rule 16. The several committees shall consider and report without unnecessary delay, upon the respective matters referred to them by the Convention.

Rule 17. The Committee on Revision and Engrossment shall examine and correct the amendments which are referred to it, for the purpose of avoiding inaccuracies, repetitions, and inconsistencies. It shall also carefully examine in the order in which they shall be directed by the Convention to be engrossed for a third reading, all amendments so engrossed, and see that the same are correctly engrossed, and shall immediately report the same in like order to the Convention before they are read the third time.

Rule 18. It shall be the duty of the Committee on Printing to examine and report on all questions of printing referred to them; to examine from time to time, and ascertain whether the prices charged for printing, and the quantities and qualities furnished, are in conformity to the orders of the Convention and to the conditions fixed by it; to ascertain and report the number of copies to be printed, and how distributed; and to report to the Convention, from time to time, any measures they may deem useful for the economical and proper management of the Convention printing.

Rule 19. It shall be the duty of the Committee on Contingent Expenses to inquire into the expenditures of the Convention, and whether the same are being or have been made in conformity to law and the orders of the Convention, and whether proper vouchers exist for the same, and whether the funds provided for the purpose are economically applied, and to report, from time to time, such regulations as may conduce to economy and secure the faithful disbursement of the moneys appropriated by law.

CHAPTER VII.

General Orders and Special Orders.

Rule 20. The matters referred to the Committee of the Whole Convention shall constitute the General Orders, and their titles shall be recorded in a Calendar kept for that purpose by the Secretary, in the order in which they shall be severally referred.

Rule 21. The business of the General Orders shall be taken up in the following manner, viz.: The Secretary shall announce the title of each proposed amendment or other matter, as it shall be reached in its order; whereupon it shall be taken up on the call of any member, without the putting of a question therefor, but if not so moved, it shall lose its precedence for the day. And whenever three proposed amendments or other matters have been

thus moved the Convention shall go into Committee of the Whole upon them without further order.

Rule 22. Tuesday and Thursday of each week shall be set apart especially for the consideration of the General Orders; but they may be considered on any other day when reached in their order.

Rule 23. Each member shall be furnished daily with a printed list of the General Orders, which shall be kept on his files by the Sergeant-at-Arms, in the same manner as other printed documents.

Rule 24. Any matter may be made a special order for any particular day, by a report of the Committee on Rules or by unanimous consent.

CHAPTER VIII.

Committee of the Whole.

Rule 25. Any matter may be committed to the Committee of the Whole after the report or discharge of a standing or select committee, or by unanimous consent, without such report or discharge. The same rules shall be reserved in Committee of the Whole as in the Convention, so far as the same are applicable, except that the previous question shall not apply, nor the yeas and nays be taken.

Rule 26. A motion to "rise and report progress" shall be in order at any stage, and shall be decided without debate. A motion to rise and report is not in order until each section and the title have been considered, unless the limit of time has expired.

Rule 27. Proposed amendments and other matters shall be considered in Committee of the Whole in the following manner, viz.: They shall be first read through, if the committee so direct; otherwise they shall be read and considered by sections. When the limit of time has expired, the amendments which have been proposed and not previously acted upon shall be voted upon in their order without further debate. The proposed amendment as amended shall then be voted upon without debate, and the committee shall then rise and report in accordance with the action which it has taken.

If the committee shall have adopted any proposed amendment, the same shall be reported complete with any amendments made in committee incorporated in their proper places.

Rule 28. If at any time, when in Committee of the Whole, it be ascertained that there is no quorum, the chairman shall immediately report the fact to the President, who then takes the chair for the purpose of securing a quorum, and when that is obtained the chairman resumes his duties.

Rule 29. Should the committee not have completed the business before it rises, the chairman will report progress and ask leave to sit again. If leave be refused, the effect is to bring up the subject immediately before the Convention.

CHAPTER IX.

Proposed Amendments to the Constitution.

Rule 30. No proposition for amendment shall be introduced in the Convention except in one of the following modes, viz.:

1. Under the order of introduction of propositions for amendment by districts in numerical order.
2. By report of a committee.

Rule 31. The title of each proposition for amendment introduced shall state concisely its subject-matter.

Rule 32. All propositions for amendment, after their second reading, which shall be by title, shall be referred to a standing or select committee, to consider and report thereon, and shall be immediately printed and placed on the files of each member. All proposed amendments reported shall, if the report be received, be committed to the Committee of the Whole and immediately printed. When a committee has reported that no amendment should be made to the provisions of the existing Constitution relating to any specified subject and such report is agreed to, all propositions for amendment relating to that subject which have been referred to that committee shall be considered as rejected. No standing or select committee shall be discharged from the consideration of a proposed amendment referred to it until the committee has had a meeting, subsequent to such reference.

Rule 33. Proposed amendments reported by the Committee of the Whole shall be subject to debate before the question to agree with the committee in their report is put.

Rule 34. No proposed amendment shall be ordered to a third reading until it shall have been considered in Committee of the Whole.

Rule 35. No proposed amendment shall be put upon its third reading until it shall have been reported by the Committee on Revision and Engrossment as correctly revised and engrossed, unless by unanimous consent. Nor shall any proposed amendment be read the third time, unless it shall have been once printed.

Rule 36. Every proposed amendment shall receive three separate readings, previous to its final passage, and the third reading shall be on a day subsequent to that on which the proposed amendment passed in Committee of the Whole.

Rule 37. The third reading of proposed amendments shall take place in the order in which they have been ordered to a third reading, unless the Convention, by a vote of two-thirds of the members present, direct otherwise, or the proposed amendment to be read is laid on the table. And the question on the final passage of every proposed amendment shall be taken immediately after such third reading, and without debate.

Rule 38. In all cases where unanimous consent is asked for advancing a proposed amendment out of its order, it shall be the duty of the President to plainly announce such request in full twice.

Rule 39. On the third reading of a proposed amendment after the reading of the title and before the reading of the text, the proposed amendment shall be open one hour, if required, for debate on its merits, before the previous question shall be ordered; but no member shall speak more than five minutes or more than once; the vote, however, may be taken at any time when the debate is closed.

Rule 40. On the third reading of the proposed amendment no amendment thereto shall be in order, except to fill blanks, without unanimous consent.

Rule 41. A motion may be made during the third reading of any proposed amendment to recommit it with instructions, but the instructions shall be in writing, and such motion shall not be debatable.

Rule 42. A register shall be kept by the Secretary of all proposed amendments introduced in the Convention, in which shall be recorded, under appropriate heads, the progress of such proposed amendments from the date of their introduction to the time of their final disposition.

Rule 43. In all cases where a proposed amendment, order, motion or resolution shall be entered on the Journal, the name of the member introducing or moving the same shall also be entered on the Journal.

CHAPTER X.

Motions and their Precedence.

Rule 44. When a question is under consideration, the following motions only shall be received; which motions shall have precedence in the order stated, viz.:

Motions to or for:

- | | | |
|---|---|---------------------------------------|
| 1. Adjourn for the day. | } | Not amendable or debatable. |
| 2. Recess. | | |
| 3. Call of the Convention. | | |
| 4. Previous question. | | |
| 5. Lay on the table. | } | Preclude debate on
main questions. |
| 6. Postpone indefinitely (not amendable). | | |
| 7. Postpone to a certain day. | | |
| 8. Go into Committee of the Whole. | | |
| 9. Commit to Committee of the Whole. | | |
| 10. Commit to a standing committee. | | |
| 11. Commit to a select committee. | | |
| 12. Amend. | | |

Rule 45. Every motion or resolution shall be stated by the President or read by the Secretary before debate, and again, if requested by any member, immediately before putting the question; and every motion, except those specified in subdivisions 1 to 11, inclusive, of Rule 44, shall be reduced to writing if the President or any member request it.

Rule 46. After a motion shall be stated by the President, it shall be deemed in the possession of the Convention, but may be withdrawn at any time before it shall be decided or amended.

Rule 47. The motion to adjourn, to take a recess, and to adjourn for a longer period than one day, shall always be in order; but the latter motion shall not preclude debate.

Rule 48. A motion to reconsider any vote must be made on the same day on which the vote proposed to be reconsidered was taken, or on the legislative day next succeeding, and by a member who voted in the majority, except to reconsider a vote on the final passage

of a proposed amendment, which shall be privileged to any member. Such motion may be made under any order of business, but shall be considered only under the order of business in which the vote proposed to be reconsidered occurred. When a motion for reconsideration is decided, that decision shall not be reconsidered, and no question shall be twice reconsidered; nor shall any vote be reconsidered upon either of the following motions:

To adjourn.

To lay on the table.

To take from the table; or

For the previous question.

Rule 49. No amendment to a motion shall be received while another is pending, unless it be an amendment to the amendment and germane to the subject.

CHAPTER XI.

Of Resolutions.

Rule 50. The following classes of resolutions shall lie over one day for consideration, after which they may be called up, as, of course, under their appropriate order of business:

1. Resolutions containing calls for information from any of the executive departments, from State, county or municipal officers, or from any corporate bodies.

2. Resolutions giving rise to debate, except such as shall relate to the disposition of business immediately before the Convention, to the business of the day on which they may be offered or to adjournments or recesses.

Rule 51. All resolutions for the printing of an extra number of documents shall be referred, as, of course, to the standing Committee on Printing, for their report thereon before final action by the Convention.

Rule 52. All resolutions authorizing or contemplating expenditures for the purposes of the Convention shall be referred to the standing Committee on Contingent Expenses, for their report thereon before final action by the Convention.

CHAPTER XII.

The Previous Question.

Rule 53. The "previous question" shall be put as follows: "Shall the main question now be put?" and, until it is decided, shall preclude all amendments or debate. When, on taking the previous question, the Convention shall decide that the main question shall not now be put, the main question shall be considered as still remaining under debate. The "main question" shall be on the passage of the proposed amendment to the Constitution, resolution or other matter under consideration, but when amendments thereto are pending, the question shall first be taken upon such amendments in their order, and when adopted in Committee of the Whole, and not acted on in the Convention, the question shall be taken upon such amendments in like order.

CHAPTER XIII.

The Convention Chamber and Privileges of Admission to the Floor.

Rule 54. The following classes of persons, besides officers and members of the Convention shall be entitled to admission to the floor of the Convention during the session thereof, viz.:

1. Governor, Lieutenant-Governor and ex-Governors of the State.
2. Judges of the Court of Appeals and of the Supreme Court.
3. The members of the Senate and Assembly and ex-Speakers.
4. The State officers, Deputies and Commissioners.
5. The Regents of the University.
6. United States Senators and Congressmen.
7. The Capitol Commissioners.
8. Persons in the exercise of an official duty directly connected with the business of the Convention.
9. The reporters for the press, as provided by subdivision 7 of Rule 2.

No other person shall be admitted to the floor during the session, except upon the permission of the President or by vote of the Convention; and persons so admitted shall be allowed to occupy places only in the seats in the rear of the Assembly Chamber. All permits granted by the President may be revoked by him at pleasure, or upon the order of the Convention. No person shall be entitled to the privileges of the floor of the Convention as a legislative

reporter of a newspaper who is interested in pending or contemplated constitutional revision, or who is employed by, or receives compensation from any corporation, except a newspaper, news or press association. The doors of the Convention shall be kept open to the public during all its sessions.

CHAPTER XIV.

General Rules.

Rule 55. Equivalent motions, resolutions or amendments thereto shall not be entertained. If any question contains several distinct propositions, it shall be divided by the Chair at the request of any member, but a motion to "strike out and insert" shall be indivisible.

Rule 56. All proposed action touching the rules and order of business, except by unanimous consent, shall be referred to the Committee on Rules; such committee may sit during the session of the Convention without special leave, and report at any time on rules or order of business. It will be in order to call up for consideration at any time a report from the Committee on Rules. Any member may object to its consideration until the next legislative day, and if sustained by twenty-four other members, the consideration shall be so postponed, but only once. Pending the final consideration thereof, but one motion that the Convention adjourn may be entertained, and no other dilatory motion shall be entertained until such report is fully disposed of. A motion to suspend the rules shall in all cases state specifically the object of the suspension, and every case of suspension of a rule under such notice and motion shall be held to apply only to the object specified therein. Provided, that whenever a standing committee shall make a report on a constitutional amendment or other subject, or at any time, the Committee on Rules may report a rule limiting the time of debate; and if approved or unquestioned by the Convention, such report shall stand as the time limited for debate on the subject-matter referred to in such rule, and the previous question or other motion to close debate shall not be in order until the expiration of the time allotted, or the debate has been closed; the time thus allotted for debate shall be equally divided between those in favor and those opposed to the subject-matter under consideration.

Rule 57. The yeas and nays may be taken on any question whenever so required by any fifteen members (unless a division by yeas and nays be already pending), and when so taken shall be entered on the Journal.

Rule 58. When the Convention shall be equally divided on any question, including the President's vote, the question shall be deemed to be lost.

Rule 59. In considering the report of the Committee on Revision and Engrossment, each article shall be open to amendment germane to such changes as may have been reported by the committee, without previous notice, but no one shall speak more than five minutes, or more than once, on any proposition to amend.

Rule 60. When a blank is to be filled and different sums or times shall be proposed, the question shall be first taken on the highest sum and the longest time.

Rule 61. A majority of the Convention shall constitute a quorum. In all cases of the absence of members during its sessions, the members present may take such measures as they shall deem necessary to secure the presence of the absentees, and may inflict such censure or pecuniary penalty as they may deem just on those who, on being called on for that purpose, shall not render sufficient excuse for their absence.

Rule 62. For the purpose of securing the attendance of members, a call of the Convention may be made, but such call shall not be in order after the main question has been ordered, nor after the voting on any question has commenced, nor after the third reading of an amendment has been completed.

Rule 63. When less than a quorum vote on any subject under consideration by the Convention, it shall be in order, on motion, to close the bar of the Convention, whereupon the roll of members shall be called by the Secretary, and if it is ascertained that a quorum is present, either by answering to their names or by their presence in the Convention, the yeas and nays shall again be ordered by the President, and if any member present refuses to vote, such refusal shall be deemed a contempt, and unless purged, the Convention may order the Sergeant-at-Arms to remove said member or members without the bar of the Convention, and all privileges of membership shall be refused the person or persons so offending until the contempt be duly purged.

Rule 64. Whenever any person shall be brought before the bar of the Convention for adjudged breach of its privileges, no debate shall be in order, but the President shall proceed to execute the judgment of the Convention without delay or debate.

Rule 65. It shall be the duty of the Secretary to keep the Journal of each day's proceedings, which shall be printed and laid on the table of members on the morning after its approval. In addition to his other duties, he shall prepare and supervise the printing of the Calendars of the orders of the day and cause them to be placed on the files before the beginning of each day's session. All appointments of officers and employes shall be entered on the Journal of the Convention, with the date of appointment.

Rule 66. It shall be the duty of the stenographer of the Convention to be present at every session of the Convention. He shall take stenographic notes of the debates in the Convention and in Committee of the Whole, and shall, at each day's session of the Convention, furnish a copy of the debates of the day before, written out in long-hand, and file the same with the Secretary, who shall keep the same in his office, and the same shall at all times be open to the inspection of delegates.

Rule 67. At a reasonable time, to be determined by the Convention, and at least five days before final adjournment, the Committee on Revision and Engrossment shall be instructed to accurately enroll and engross the present State Constitution, with all amendments thereto properly inserted, or the proposed new Constitution; and the same shall be reported by said committee to the Convention, read through therein, and submitted to a final vote prior to its final adjournment. When an article of the Constitution is amended, or a new article substituted or added, such amended article, or new article, shall be enrolled and engrossed entire in its proper place in the Constitution.

ARTICLE XV.

Miscellaneous Provisions.

Rule 68. The Sergeant-at-Arms shall, under the direction of the Committee on Printing, receive from the printer all matter printed for the use of the Convention, and keep a record of the time of the reception of each document and the number of copies received, and cause a copy of each to be placed on the desk of each member immediately after their reception by him. Subject to the direction of the President, he shall enforce the rules of the Convention.

Rule 69. Separate files of the daily Journal, reports of committees and of all documents ordered to be printed shall be prepared and kept by the Sergeant-at-Arms, and one copy shall be placed upon the desk of each member of the Convention and of the Secretary.

Rule 70. There shall be printed, as of course, and without any special order, 1,000 copies of the Journal and of all reports of committees on the subject of constitutional revision.

Rule 71. Five hundred copies of the Journal and 500 copies of the reports, as printed, shall be bound and distributed as follows, viz.: To each member of the Convention, two copies; State library, five copies; the library of the Senate, five copies; the library of the Assembly, five copies; the office of each county clerk, one copy, and the remaining copies to such libraries and other institutions as shall be designated by the President or by the Convention.

JOSEPH H. CHOATE,
Chairman.

Mr. Root moved:

That the report of the Committee on Rules be printed and distributed to the members of the Convention and that consideration of the report be postponed until Friday, May 25th.

Mr. Deady moved to amend by inserting "Tuesday, May twenty-ninth," in place of "Friday, May twenty-fifth."

Mr. Mulqueen moved that the report be taken up to-morrow and the question on all rules giving rise to debate be postponed until next Thursday.

Mr. McDonough moved the previous question.

Mr. President put the question on said motion, and it was determined in the affirmative.

Mr. President put the question on the motion of Mr. Mulqueen, and it was determined in the negative.

Mr. President put the question on the motion of Mr. Deady, and it was determined in the negative.

Mr. President put the question on the motion of Mr. Root, and it was determined in the affirmative.

Leave of absence was granted to Messrs. Deyo, Deady, Cornwell, Mantanye and Riggs for Tuesday next. To Messrs. Ackerly, Nichols and Lauterbach for to-morrow, and to Mr. Mullen for next week.

On motion of Mr. McMillan, at 11.55, the Convention adjourned.

Friday, May 25, 1894.

The Convention met pursuant to adjournment.

Prayer by Rev. C. P. Evans.

The question being on approval of the Journal of May twenty-fourth as read, Mr. Speer moved:

That the Journal be corrected by inserting the following:

Mr. Vedder, Chairman of the Caucus Committee, announced that there would be a meeting of the Republican members in the Assembly parlors immediately after adjournment.

Mr. President put the question on said motion, and it was determined in the negative.

The Journal of May twenty-fourth was then approved.

Mr. President announced the following assignment of clerks of Committees:

To the Committees on:

Governor and State Officers, Preamble, State's Prisons and Penitentiaries — H. G. Getter.

Banking and Insurance, Military, Indians — J. W. Titus.

Industrial Interests, Canals, Revision and Engrossing — C. H. Bassett.

Railroads, etc., Corporations, Privileges and Elections — J. A. Cook.

State Finances and Taxation, Education, Charities — J. H. Rathbone.

County, Town and Village Officers, County, Town and Village Government, Printing — J. P. Brennan.

Contingent Expenses, Cities, Right of Suffrage — Ray B. Smith.

Rules and the President, Judiciary, Constitutional Amendments — E. A. Fay.

Legislative Powers, Legislative Organization, Salt Springs — George B. Munn.

Mr. C. H. Lewis presented a petition of 16,716 citizens of Onondaga favoring striking out the word "male" from the State Constitution.

Referred to the Committee on Suffrage.

Mr. Spencer presented a petition of 2,587 citizens of Fulton on the same subject.

Referred to the Committee on Suffrage.

Mr. Davies presented a petition of 1,625 citizens of Oneida on the same subject.

Referred to the Committee on Suffrage.

Mr. Abbott presented a petition of 3,634 citizens of St. Lawrence on the same subject.

Referred to the Committee on Suffrage.

Mr. W. H. Steele presented a petition of 8,006 citizens of Oswego on the same subject.

Referred to the Committee on Suffrage.

Mr. Woodward presented a petition of 3,197 citizens of Genesee on the same subject.

Referred to the Committee on Suffrage.

Mr. Peck presented a petition of 1,701 citizens of Rensselaer on the same subject.

Referred to the Committee on Suffrage.

Mr. Griswold presented a petition of 2,693 citizens of Greene on the same subject.

Referred to the Committee on Suffrage.

Mr. Mantayne presented a petition of 3,769 citizens of Cortland on the same subject.

Referred to the Committee on Suffrage.

Mr. Schumaker presented a petition of 9,750 citizens of Kings on the same subject.

Referred to the Committee on Suffrage.

Mr. Wellington presented a petition of 8,748 citizens of Madison on the same subject.

Referred to the Committee on Suffrage.

Mr. C. A. Fuller presented a petition of 2,542 citizens of Chango on the same subject.

Referred to the Committee on Suffrage.

Mr. Cassidy, on behalf of Mr. Lyon, presented a petition of 3,017 citizens of Broome on the same subject.

Referred to the Committee on Suffrage.

Mr. Kellogg offered a resolution in words following:

Resolved, That the Governor of this State be requested to furnish this Convention with the number of pardons granted by him during his term of office; together with the reason for such pardon. Also the number restored to citizenship by him during the same time, if any, and if so, who.

Referred to the Committee on Governor and State Officers.

Mr. McMillan called up his resolution in words following:

Resolved, That the Secretary of this Convention be and he hereby is directed to transmit to the eight law libraries of the State, one copy each, of all proposed amendments to the Constitution as soon as printed.

Mr. McMillan moved to amend said resolution as follows:

Insert after the word "State" the words "to wit: New York, Brooklyn, Syracuse Rochester, Kingston, Schenectady, Utica, Delhi, Newburg, Binghamton, Buffalo; and to the Harlem and Bar association libraries of New York and the New York Law library, and the Livingston County Law library at Geneseo.

Mr. President put the question on said motion, and it was determined in the affirmative.

Mr. President put the question on the resolution of Mr. McMillan, as amended, and it was determined in the affirmative.

Mr. Lincoln moved to substitute the following for the resolution offered by him and adopted yesterday by the Convention:

Resolved, That the clerks of the several courts in each of the counties of this State, in which persons are naturalized pursuant to the laws of the United States, be required to transmit to the Secretary of this Convention, on or before the fifteenth day of June, next; a statement of the number of persons naturalized in the said courts respectively, during the year 1893, classifying the same according to nationality.

Mr. President put the question on said motion, and it was determined in the affirmative.

Mr. Gilbert offered a resolution in words following:

Resolved, That the Secretary of the Convention be authorized to make the usual contracts, as are made by the Clerks of the two Houses of the Legislature, with the postmaster of the city of Albany and the express companies, for the transmission of papers and documents.

The resolution, giving rise to debate, was tabled under the rule.

Mr. Holls moved that the Secretary be directed to see that the debates and the Journal of the Convention be paged continuously as they should be.

Mr. President put the question on said motion, and it was determined in the affirmative.

74.—Mr. Johnson presented the following:

Proposing amendment to article 5 of the Constitution by adding a provision for an election commission.

Referred to the Committee on Governor and State Officers.

75.—By Mr. J. I. Green:

Proposing amendment to article 1, section 2 of the Constitution, relating to the procedure in case of death or disability of jurors in criminal cases.

Referred to the Committee on Judiciary.

76. — Also, proposing amendment to article 1, section 6 of the Constitution, in relation to the abolition of capital punishment.

Referred to the Committee on Judiciary.

77.—By Mr. Dickey:

Proposing amendment to article 6, section 13 of the Constitution, permitting assignments by Governor to judicial duty of certain judges beyond the age of seventy years.

Referred to the Committee on Judiciary.

78.—By Mr. A. B. Steele:

Proposing amendment to article 6, section 13 of the Constitution, relating to the pardoning power.

Referred to the Committee on Governor and State Officers.

79.—Also, proposing amendment to article 4, section 5 of the Constitution, relating to County and Surrogate's Court.

Referred to the Committee on Judiciary.

80.—By Mr. Barrow:

Proposing amendment to article 7, section 6 of the Constitution, relating to the sale or lease of certain canals.

Referred to the Committee on Canals.

81.—Also, proposing amendment to article 3, section 9 of the Constitution, relating to two-thirds bills.

Referred to the Committee on Legislative Powers and Duties.

82.—By Mr. Cookinham:

Proposing amendment to the Constitution adding an article on the construction of the Constitution.

Referred to the Committee on Judiciary.

83.—By Mr. Mantanye.

Proposing amendment to article 3, sections 2 and 6 of the Constitution, lengthening the terms of office of senators and members of assembly, changing their compensation and providing for biennial sessions.

Referred to the Committee on Legislature and its Organization.

84.—By Mr. Hawley:

Proposing amendment to article 8, section 2 of the Constitution, relating to corporations.

Referred to the Committee on Corporations.

85.—Also, proposing amendment to the Constitution by striking out article 8, section 2, relating to corporations.

Referred to the Committee on Corporations.

86.—By Mr. Doty:

Proposing amendment to article 1, section 17 of the Constitution, relating to the appointment of commissioners of codification.

Referred to the Committee on Judiciary.

87.—By Mr. Becker:

Proposing amendment to article 3, section 18 of the Constitution, providing for the appointment of commissioners of jurors in certain counties containing cities of over twenty-five thousand inhabitants.

Referred to the Committee on Judiciary.

88.—By Mr. McKinstry:

Proposing amendment to article 10, section 2 of the Constitution, empowering the Legislature to extend the right of suffrage in city, town and village elections to all citizens.

Referred to the Committee on County, Town and Village Government.

89.—Also, proposing amendment to article 10, section 1, of the Constitution, rendering county treasurers ineligible for successive terms.

Referred to the Committee on County, Town and Village Officers.

90.—Also, proposing amendment to article 3, of the Constitution, enabling the Legislature to restrict by taxation the traffic in intoxicating liquors.

Referred to the Committee on Legislature, its Powers and Duties.

Mr. Root called up the report of the Committee on Rules in words following.

CHAPTER I.

Powers and Duties of the President and Vice-Presidents.

Rule 1. The President shall take the chair each day at the hour to which the Convention shall have adjourned. He shall call to order, and, except in the absence of a quorum, shall proceed to business in the manner prescribed by these rules.

Rule 2. He shall possess the power and perform the duties herein prescribed, viz.:

1. He shall preserve order and decorum, and, in debate, shall prevent personal reflections, and confine members to the question under discussion. When two or more members rise at the same time, he shall name the one entitled to the floor.

2. He shall decide all questions of order, subject to appeal to the Convention. On every appeal he shall have the right, in his place, to assign his reason for his decision. In case of such appeal no member shall speak more than once.

3. He shall appoint all committees, except where the Convention shall otherwise order.

4. He may substitute any member to perform the duties of the chair during the absence or inability of both Vice-Presidents, but for no longer period than two consecutive legislative days, except by special consent of the Convention.

5. When the Convention shall be ready to go into Committee of the Whole, he shall name a chairman to preside therein, subject to right of committee to elect its own chairman.

6. He shall certify the passage of all amendments by the Convention, with the date thereof.

7. He shall designate the persons who shall act as reporters for the public press, not exceeding thirty in number; but no reporter shall be admitted to the floor who is not an authorized representative of a daily paper. Such reporters, so appointed, shall be entitled to such seats as the President shall designate, and shall have the right to pass to and fro from such seats in entering or leaving the Assembly Chamber. No reporter shall appear before any of the committees in advocacy of, or in opposition to, anything under consideration before such committees. A violation of this rule will be sufficient cause for the removal of such reporter. Removal for this cause shall be vested in the President.

8. He shall not be required to vote in ordinary proceedings, except where his vote would be decisive. In case of a tie vote the question shall be lost. He shall have general control, except as provided by rule or law, of the Assembly Chamber and of the corridors and passages in that part of the Capitol assigned to the use of the Convention. In case of any disturbance or disorderly conduct in the galleries, corridors or passages, he shall have the power to order the same to be cleared, and may cause any person guilty of such disturbance or disorderly conduct to be brought before the bar of the Convention. In all such cases the members present may take such measures as they shall deem necessary to prevent a repetition of such misconduct, either by the infliction of censure or pecuniary penalty, as they may deem best, on the parties thus offending.

9. He shall also be ex officio member and chairman of the Committee on Rules.

10. In the absence of the President, or his inability to preside, his duties shall devolve upon the First Vice-President, or, if he also be absent, upon the Second Vice-President.

CHAPTER II.

Order of Business.

Rule 3. The first business of each day's session shall be the reading of the Journal of the preceding day, and the correction of any errors that may be found to exist therein. Immediately thereafter, except on days and at times set apart for the consideration of special orders, the order of business shall be as follows:

1. Presentation of memorials. Under which head shall be included petitions, remonstrances and communications from individuals, and from public bodies.

2. Communications from the Governor and other State officers. Under this head shall be embraced also communications from public officers and from corporations in response to calls for information.

3. Notices, motions and resolutions, to be called for by districts, numerically.

4. Propositions for amendment, by districts in numerical order.

5. Reports of standing committees in the order stated in Rule 15.

6. Reports of select committees.

7. Third reading of proposed amendments.

8. Unfinished business of General Orders.

9. Special orders.

10. General Orders.

Reports from Committee on Revision and Engrossment may be received under any order of business.

CHAPTER III.

Rights and Duties of Members.

Rule 4. Petitions, memorials, remonstrances and any other papers addressed to the Convention, shall be presented by the President, or by any member in his place, read by their titles and referred to the proper committee.

Rule 5. Every member presenting a paper shall indorse the same; if a petition, memorial, remonstrance or communication in answer to a call for information, with a concise statement of its subject, and his name; if a notice or resolution, with his name; if a proposition for amendment, with a statement of its title and

his name; if a proposition of any other kind for the consideration of the Convention, with a statement of its subject, the proposer's name, and the reference, if any, desired. A report of a committee must be indorsed with a statement of such report, together with the name of the committee making the same, and shall be signed by the chairman.

Rule 6. Every member who shall be within the bar of the convention, when a question is stated from the chair, shall vote thereon unless he be excused by the Convention, or unless he be directly interested in the question; nor shall the roll of absentees be more than once called. The bar of the Convention shall be deemed to include the body of the Convention Chamber.

Rule 7. Any member requesting to be excused from voting may make, when his name is called, a brief statement of the reasons for making such request, not exceeding three minutes in time, and the Convention, without debate, shall decide if it will grant such request; but nothing in this rule contained shall abridge the right of any member to record his vote on any question previous to the announcement of the result.

CHAPTER IV.

Order and Decorum.

Rule 8. No member rising to debate, to give a notice, make a motion, or present a paper of any kind, shall proceed until he shall have addressed the President, and been recognized by him as entitled to the floor. While the President is putting a question or a count is being had, no member shall speak or leave his place; and while a member is speaking no member shall entertain any private discourse or pass between him and the chair.

Rule 9. When a motion to adjourn, or for a recess, shall be carried, no member or officer shall leave his place till the adjournment or recess shall be declared by the President.

Rule 10. No persons, except members of the Convention and the officers thereof, shall be permitted within the Secretary's desk, or the rooms set apart for the use of the Secretary, during the session of the Convention, and no member or other person shall visit or remain by the Secretary's table while the yeas and nays are being called, except officers of the Convention in the discharge of their duties.

CHAPTER V.

Order of Debate.

Rule 11. No member shall speak more than once on the same question until every member desiring to speak on such question shall have spoken; nor more than twice on any question without leave of the Convention.

Rule 12. If any member, in speaking, transgress the rules of the Convention, the President shall, or any member may, call to order, in which case the member so called to order shall immediately sit down, and shall not rise unless to explain or proceed in order.

Rule 13. All questions relating to the priority of one question or subject-matter over another, under the same order of business, the postponement of any special order, or the suspension of any rule, shall be decided without debate.

Rule 14. All questions of order, as they shall occur, with the decisions thereon, shall be entered in the Journal, and at the close of the day's session a statement of all such questions and decisions shall be printed at the close of and as an appendix to the Journal.

CHAPTER VI.

Committees and Their Duties.

Rule 15. The President shall appoint the following standing committees to report upon the subjects named, and such others as may be referred to them, viz.:

1. On the preamble and the bill of rights, to consist of eleven members.

2. On the Legislature, its organization and the number, apportionment, election, tenure of office and compensation of its members, to consist of seventeen members.

3. On the powers and duties of the Legislature, except as to matters otherwise referred, to consist of seventeen members.

4. On the right of suffrage and the qualifications to hold office, to consist of seventeen members.

5. On the Governor and other State officers, their election or appointment, tenure of office, compensation, powers and duties, except as otherwise referred, to consist of seventeen members.

6. On the judiciary, to consist of seventeen members.

7. On the State finances, revenues, expenditures and taxation, and restrictions on the powers of the Legislature in respect thereto and to public indebtedness; to consist of seventeen members.

8. On cities, their organization, government and powers, to consist of seventeen members.

9. On canals, to consist of eleven members.

10. On railroads, transportation, and electrical transmission, to consist of seventeen members.

11. On counties, towns and villages, their organization, government and powers, to consist of seventeen members.

12. On county, town and village officers, other than judicial, their election or appointment, tenure of office, compensation, powers and duties, to consist of seventeen members.

13. On State prisons and penitentiaries, and the prevention and punishment of crime, to consist of eleven members.

14. On corporations and institutions, not otherwise herein specified, to consist of seventeen members.

15. On currency, banking and insurance, to consist of eleven members.

16. On the militia and military officers, to consist of seven members.

17. On education and the funds relating thereto, to consist of seventeen members.

18. On charities and charitable institutions, to consist of seventeen members.

19. On industrial interests, except those already referred, to consist of seventeen members.

20. On the salt springs of the State, to consist of seven members.

21. On the relations of the State to the Indians residing therein, to consist of seven members.

22. On future amendments and revisions of the Constitution, to consist of seven members.

23. Revision and engrossment, to consist of seven members.

24. Privileges and elections, to consist of eleven members.

25. Printing, to consist of seven members.

26. Contingent expenses, to consist of seven members.

27. Rules, to consist of seven members, and the President.

Rule 16. The several committees shall consider and report, without unnecessary delay, upon the respective matters referred to them by the Convention.

Rule 17. The Committee on Revision and Engrossment shall examine and correct the amendments which are referred to it, for the purpose of avoiding inaccuracies, repetitions and inconsistencies. It shall also carefully examine in the order in which they shall be directed by the Convention to be engrossed for a third reading, all amendments so engrossed, and see that the same are correctly engrossed, and shall immediately report the same in like order to the Convention before they are read the third time.

Rule 18. It shall be the duty of the Committee on Printing to examine and report on all questions of printing referred to them; to examine, from time to time, and ascertain whether the prices charged for printing, and the quantities and qualities furnished, are in conformity to the orders of the Convention and to the conditions fixed by it; to ascertain and report the number of copies to be printed, and how distributed; and to report to the Convention from time to time, any measures they may deem useful for the economical and proper management of the Convention printing.

Rule 19. It shall be the duty of the Committee on Contingent Expenses to inquire into the expenditures of the Convention, and whether the same are being or have been made in conformity to law and the orders of the Convention, and whether proper vouchers exist for the same, and whether the funds provided for the purpose are economically applied, and to report, from time to time, such regulations as may conduce to economy and secure the faithful disbursement of the moneys appropriated by law.

CHAPTER VII.

General Orders and Special Orders.

Rule 20. The matters referred to the Committee of the Whole Convention shall constitute the General Orders, and their titles shall be recorded in a Calendar kept for that purpose by the Secretary, in the order in which they shall be severally referred.

Rule 21. The business of the General Orders shall be taken up in the following manner, viz.: The Secretary shall announce the title of each proposed amendment or other matter, as it shall be reached in its order; whereupon it shall be taken up on the call of any member, without the putting of a question therefor, but if not so moved, it shall lose its precedence for the day. And whenever three proposed amendments or other matters have been thus moved the Convention shall go into Committee of the Whole upon them without further order.

Rule 22. Tuesday and Thursday of each week shall be set apart especially for the consideration of the General Orders; but they may be considered on any other day when reached in their order.

Rule 23. Each member shall be furnished daily with a printed list of the General Orders, which shall be kept on his files by the Sergeant-at-Arms, in the same manner as other printed documents.

Rule 24. Any matter may be made a special order for any particular day, by a report of the Committee on Rules or by unanimous consent.

CHAPTER VIII.

Committee of the Whole.

Rule 25. Any matter may be committed to the Committee of the Whole after the report or discharge of a standing or select committee, or by unanimous consent without such report or discharge. The same rules shall be observed in Committee of the Whole as in the Convention, so far as the same are applicable, except that the previous question shall not apply, nor the yeas and nays be taken.

Rule 26. A motion to "rise and report progress" shall be in order at any stage, and shall be decided without debate. A motion to rise and report is not in order until each section and the title have been considered, unless the limit of time has expired.

Rule 27. Proposed amendments and other matters shall be considered in Committee of the Whole in the following manner, viz: They shall be first read through, if the committee so direct; otherwise they shall be read and considered by sections. When the limit of time has expired, the amendments which have been proposed and not previously acted upon shall be voted upon in their order without further debate. The proposed amendment as amended shall then be voted upon without debate, and the committee shall then rise and report in accordance with the action which it has taken.

If the committee shall have adopted any proposed amendment, the same shall be reported complete with any amendments made in committee incorporated in their proper places.

Rule 28. If at any time, when in the Committee of the Whole, it be ascertained that there is no quorum, the chairman shall immediately report the fact to the President, who then takes the chair for the purpose of securing a quorum, and when that is obtained the chairman resumes his duties.

Rule 29. Should the committee not have completed the business before it rises, the chairman will report progress and ask leave to sit again. If leave be refused, the effect is to bring up the subject immediately before the Convention.

CHAPTER IX.

Proposed Amendments to the Constitution.

Rule 30. No proposition for amendment shall be introduced in the Convention, except in one of the following modes, viz.:

1. Under the order of introduction of propositions for amendment by districts in numerical order.
2. By report of a committee.

Rule 31. The title of each proposition for amendment introduced shall state concisely its subject-matter.

Rule 32. All propositions for amendment, after their second reading, which shall be by title, shall be referred to a standing or select committee, to consider and report thereon, and shall be immediately printed and placed on the files of each member. All proposed amendments reported shall, if the report be received, be committed to the Committee of the Whole and immediately printed. When a committee has reported that no amendment should be made to the provisions of the existing Constitution relating to any specified subject and such report is agreed to, all propositions for amendment relating to that subject which have been referred to that committee shall be considered as rejected. No standing or select committee shall be discharged from the consideration of a proposed amendment referred to it until the committee has had a meeting, subsequent to such reference.

Rule 33. Proposed amendments reported by the Committee of the Whole shall be subject to debate before the question to agree with the committee in their report is put.

Rule 34. No proposed amendment shall be ordered to a third reading until it shall have been considered in Committee of the Whole.

Rule 35. No proposed amendment shall be put upon its third reading until it shall have been reported by the Committee on Revision and Engrossment as correctly revised and engrossed, unless by unanimous consent. Nor shall any proposed amendment be read the third time, unless it shall have been once printed.

Rule 36. Every proposed amendment shall receive three separate readings, previous to its final passage, and the third reading shall be on a day subsequent to that on which the proposed amendment passed in Committee of the Whole.

Rule 37. The third reading of proposed amendments shall take place in the order in which they have been ordered to a third reading, unless the Convention, by a vote of two-thirds of the members present, direct otherwise, or the proposed amendment to be read is laid on the table. And the question on the final passage of every proposed amendment shall be taken immediately after such third reading, and without debate.

Rule 38. In all cases where unanimous consent is asked for advancing a proposed amendment out of its order, it shall be the duty of the President to plainly announce such request in full twice.

Rule 39. On the third reading of a proposed amendment after the reading of the title and before the reading of the text, the proposed amendment shall be open one hour, if required, for debate on its merits, before the previous question shall be ordered; but no member shall speak more than five minutes or more than once; the vote, however, may be taken at any time when the debate is closed.

Rule 40. On the third reading of the proposed amendment no amendment thereto shall be in order, except to fill blanks, without unanimous consent.

Rule 41. A motion may be made during the third reading of any proposed amendment to recommit it with instructions, but the instructions shall be in writing, and such motion shall not be debatable.

Rule 42. A register shall be kept by the Secretary of all proposed amendments introduced in the Convention, in which shall be recorded, under appropriate heads, the progress of such proposed amendments from the date of their introduction to the time of their final disposition.

Rule 43. In all cases where a proposed amendment, order, motion or resolution shall be entered on the Journal, the name of the member introducing or moving the same shall also be entered on the Journal.

CHAPTER X.

Motions and their Precedence.

Rule 44. When a question is under consideration, the following motions only shall be received; which motions shall have precedence in the order stated, viz.:

Motions to or for:

- | | | |
|---|---|---------------------------------------|
| 1. Adjourn for the day. | } | Not amendable or debatable. |
| 2. Recess. | | |
| 3. Call of the Convention. | | |
| 4. Previous question. | | |
| 5. Lay on the table. | } | Preclude debate on
main questions. |
| 6. Postpone indefinitely (not amendable). | | |
| 7. Postpone to a certain day. | | |
| 8. Go into Committee of the Whole. | | |
| 9. Commit to Committee of the Whole. | | |
| 10. Commit to a standing committee. | | |
| 11. Commit to a select committee. | | |
| 12. Amend. | | |

Rule 45. Every motion or resolution shall be stated by the President or read by the Secretary before debate, and again, if requested by any member, immediately before putting the question; and every motion, except those specified in subdivisions 1 to 11, inclusive, of Rule 44, shall be reduced to writing if the President or any member request it.

Rule 46. After a motion shall be stated by the President, it shall be deemed in the possession of the Convention, but may be withdrawn at any time before it shall be decided or amended.

Rule 47. The motion to adjourn, to take a recess, and to adjourn for a longer period than one day, shall always be in order; but the latter motion shall not preclude debate.

Rule 48. A motion to reconsider any vote must be made on the same day on which the vote proposed to be reconsidered was taken, or on the legislative day next succeeding, and by a member who voted in the majority, except to reconsider a vote on the final passage of a proposed amendment, which shall be privileged to any member. Such motion may be made under an order of business, but shall be considered only under the order of business in which the vote pro-

posed to be reconsidered occurred. When a motion for reconsideration is decided, that decision shall not be reconsidered, and no question shall be twice reconsidered; nor shall any vote be reconsidered, upon either of the following motions:

To adjourn.

To lay on the table.

To take from the table; or

For the previous question.

Rule 49. No amendment to a motion shall be received while another is pending, unless it be an amendment to the amendment and germane to the subject.

CHAPTER XI.

Of Resolutions.

Rule 50. The following classes of resolutions shall lie over one day for consideration, after which they may be called up, as of course, under their appropriate order of business.

1. Resolutions containing calls for information from any of the executive departments, from State, county or municipal officers, or from any corporate bodies.

2. Resolutions giving rise to debate, except such as shall relate to the disposition of business immediately before the Convention, to the business of the day on which they may be offered or to adjournments or recesses.

Rule 51. All resolutions for the printing of an extra number of documents shall be referred, as of course to the standing Committee on Printing, for their report thereon before final action by the Convention.

Rule 52. All resolutions authorizing or contemplating expenditures for the purposes of the Convention shall be referred to the standing Committee on Contingent Expenses for their report thereon before final action by the Convention.

CHAPTER XII.

The Previous Question.

Rule 53. The "previous question" shall be put as follows: "Shall the main question now be put?" and, until it is decided, shall preclude all amendments or debate. When, on taking the previous question, the Convention shall decide that the main question shall

not now be put, the main question shall be considered as still remaining under debate. The "main question" shall be on the passage of the proposed amendment to the Constitution, resolution or other matter under consideration, but when amendments thereto are pending, the question shall first be taken upon such amendments in their order, and when adopted in Committee of the Whole, and not acted on in the Convention, the question shall be taken upon such amendments in like order.

CHAPTER XIII.

The Convention Chamber and Privileges of Admission to the Floor.

Rule 54. The following classes of persons, besides officers and members of the Convention, shall be entitled to admission to the floor of the Convention during the session thereof, viz.:

1. Governor, Lieutenant-Governor, and ex-Governors of the State.
2. Judges of the Court of Appeals and of the Supreme Court.
3. The members of the Senate and Assembly, and ex-Speakers.
4. The State officers, Deputies and Commissioners.
5. The Regents of the University.
6. United States Senators and Congressmen.
7. The Capitol Commissioners.
8. Persons in the exercise of an official duty directly connected with the business of the Convention.
9. The reporters for the press, as provided by subdivision 7 of Rule 2.

No other person shall be admitted to the floor during the session, except upon the permission of the President or by vote of the Convention; and persons so admitted shall be allowed to occupy places only in the seats in the rear of the Assembly Chamber. All permits granted by the President may be revoked by him at pleasure, or upon the order of the Convention. No person shall be entitled to the privileges of the floor of the Convention as a legislative reporter of a newspaper who is interested in pending or contemplated constitutional revision, or who is employed by, or receives compensation from, any corporation, except a newspaper, news or press association. The doors of the Convention shall be kept open to the public during all its sessions.

CHAPTER XIV.

General Rules.

Rule 55. Equivalent motions, resolutions or amendments thereto shall not be entertained. If any question contains several distinct propositions, it shall be divided by the Chair at the request of any member, but a motion to "strike out and insert" shall be indivisible.

Rule 56. All proposed action touching the rules and order of business, except by unanimous consent, shall be referred to the Committee on Rules; such committee may sit during the session of the Convention without special leave, and report at any time on rules or order of business. It will be in order to call up for consideration at any time a report from the Committee on Rules. Any member may object to its consideration until the next legislative day, and if sustained by twenty-four other members, the consideration shall be so postponed, but only once. Pending the final consideration thereof, but one motion that the Convention adjourn may be entertained, and no other dilatory motion shall be entertained until such report is fully disposed of. A motion to suspend the rules shall in all cases state specifically the object of the suspension, and every case of suspension of a rule under such notice and motion shall be held to apply only to the object specified therein. Provided that whenever a standing committee shall make a report on a constitutional amendment or other subject, or at any time, the Committee on Rules may report a rule limiting the time of debate; and if approved or unquestioned by the Convention, such report shall stand as the time limited for debate on the subject-matter referred to in such rule, and the previous question or other motion to close debate shall not be in order until the expiration of the time allotted, or the debate has been closed; the time thus allotted for debate shall be equally divided between those in favor and those opposed to the subject-matter under consideration.

Rule 57. The yeas and nays may be taken on any question whenever so required by any fifteen members (unless a division by yeas and nays be already pending), and when so taken shall be entered on the Journal.

Rule 58. When the Convention shall be equally divided on any question, including the President's vote, the question shall be deemed to be lost.

Rule 59. In considering the report of the Committee on Revision and Engrossment, each article shall be open to amendment germane to such changes as may have been reported by the committee, without previous notice, but no one shall speak more than five minutes, or more than once, on any proposition to amend.

Rule 60. When a blank is to be filled and different sums or times shall be proposed, the question shall be first taken on the highest sum and the longest time.

Rule 61. A majority of the Convention shall constitute a quorum. In all cases of the absence of members during its sessions, the members present may take such measures as they shall deem necessary to secure the presence of absentees, and may inflict such censure or pecuniary penalty as they may deem just on those who, on being called on for that purpose, shall not render sufficient excuse for their absence.

Rule 62. For the purpose of securing the attendance of members, a call of the Convention may be made, but such call shall not be in order after the main question has been ordered, nor after the voting on any question has commenced nor after the third reading of an amendment has been completed.

Rule 63. When less than a quorum vote on any subject under consideration by the Convention, it shall be in order, on motion, to close the bar of the Convention, whereupon the roll of members shall be called by the Secretary, and if it is ascertained that a quorum is present, either by answering to their names or by their presence in the Convention, the yeas and nays shall again be ordered by the President, and if any member present refuses to vote, such refusal shall be deemed a contempt, and unless purged, the Convention may order the Sergeant-at-Arms to remove said member or members without the bar of the Convention, and all privileges of membership shall be refused the person or persons so offending until the contempt be duly purged.

Rule 64. Whenever any person shall be brought before the bar of the Convention for adjudged breach of its privileges, no debate shall be in order, but the President shall proceed to execute the judgment of the Convention without delay or debate.

Rule 65. It shall be the duty of the Secretary to keep the Journal of each day's proceedings, which shall be printed and laid on the table of members on the morning after its approval. In addition to his other duties he shall prepare and supervise the printing of the Calendars of the orders of the day and cause them to be placed on the

files before the beginning of each day's session. All appointments of officers and employes shall be entered on the Journal of the Convention, with the date of appointment.

Rule 66. It shall be the duty of the stenographer of the Convention to be present at every session of the Convention. He shall take stenographic notes of the debates in the Convention and in Committee of the Whole, and shall, at each day's session of the Convention, furnish a copy of the debates of the day before, written out in long-hand, and file the same with the Secretary, who shall keep the same in his office, and the same shall at all times be open to the inspection of delegates.

Rule 67. At a reasonable time, to be determined by the Convention, and at least five days before final adjournment, the Committee on Revision and Engrossment shall be instructed to accurately enroll and engross the present State Constitution, with all amendments thereto properly inserted, or the proposed new Constitution; and the same shall be reported by said committee to the Convention, read through therein, and submitted to a final vote prior to its final adjournment. When an article of the Constitution is amended, or a new article substituted or added, such amended article, or new article, shall be enrolled and engrossed entire in its proper place in the Constitution.

CHAPTER XV.

Miscellaneous Provisions.

Rule 68. The Sergeant-at-Arms shall, under the direction of the Committee on Printing, receive from the printer all matter printed for the use of the Convention, and keep a record of the time of the reception of each document, and the number of copies received, and cause a copy of each to be placed on the desk of each member immediately after their reception by him. Subject to the direction of the President, he shall enforce the rules of the Convention.

Rule 69. Separate files of the daily Journal, reports of committees and of all documents ordered to be printed shall be prepared and kept by the Sergeant-at-Arms, and one copy shall be placed upon the desk of each member of the Convention and of the Secretary.

Rule 70. There shall be printed, as of course, and without any special order, 1,000 copies of the Journal and of all reports of committees on the subject of constitutional revision.

Rule 71. Five hundred copies of the Journal and five hundred copies of the reports, as printed, shall be bound and distributed as follows, viz.: To each member of the Convention, two copies; State library, five copies; the library of the Senate, five copies; the library of the Assembly, five copies; the office of each county clerk, one copy; and the remaining copies to such libraries and other institutions as shall be designated by the President or by the Convention.

JOSEPH H. CHOATE,
Chairman.

Mr. Root moved that the report be accepted.

Mr. President put the question on said motion, and it was determined in the affirmative.

Mr. Marks moved that the report be taken up rule by rule.

Mr. President put the question on said motion, and it was determined in the affirmative.

Rule 1 was then read by the Secretary.

Mr. Goodelle moved that Rule 1 be adopted as read.

Mr. President put the question on said motion, and it was determined in the affirmative.

Rule 2 was then read.

Mr. Platzek moved to amend subdivision 2 of Rule 2, so that the last sentence in such subdivision shall read: "In case of such appeal only the appellant shall be allowed to speak."

Mr. President put the question on said motion, and it was determined in the negative.

Mr. Marks moved that Rule 2 as read be adopted.

Mr. President put the question on said motion, and it was determined in the affirmative.

Mr. Barhite moved that each rule, as read, by the Secretary, to which objection is not made, be declared adopted, by the President without further motion.

Mr. President put the question on said motion, and it was determined in the affirmative.

Rule 3 was read.

Mr. Alvord moved that the word "constitutional" be inserted in the fourth and seventh subdivisions before the word "amendment."

Mr. President put the question on said motion, and it was determined in the affirmative.

Mr. Gilbert moved to amend subdivision 4, by striking out the words "propositions for amendment" and inserting in lieu thereof the words "overtures" the same having been offered by Mr. W. H. Steele, and withdrawn by that gentleman.

Mr. President put the question on said motion, and it was determined in the negative.

Mr. President put the question on the adoption of Rule 3, as amended, and it was determined in the affirmative.

Rule 4 was read.

Mr. W. H. Steele moved to amend said rule by inserting after the words "read by their titles" the words "unless otherwise ordered."

Mr. President put the question on said motion, and it was determined in the affirmative.

Mr. President put the question on the adoption of Rule 4, as amended, and it was determined in the affirmative.

Rule 5 was read.

Mr. Speer moved to amend said rule by striking out the word "chairman" and inserting in lieu thereof the words "a majority of the committee."

Mr. President put the question on said motion, and it was determined in the negative.

Mr. Osborn moved to amend Rule 5 by inserting at the end thereof the words "a report by a minority of any committee shall be signed by the members rendering the same."

Mr. Alvord moved to insert the word "constitutional" before the word "amendment."

Mr. President put the question on the motion of Mr. Alvord, and it was determined in the affirmative.

Mr. President put the question on the motion of Mr. Osborn, and it was determined in the affirmative.

Mr. President put the question on the adoption of Rule 5, as amended, and it was determined in the affirmative.

Rules 6, 7, 8, 9 and 10 were read.

There being no debate, Mr. President declared said rules adopted.

Rule 11 was read.

Mr. Gilbert moved to amend by striking out the words "once on the same question until every member desiring to speak on such question shall have spoken; nor more."

Mr. President put the question on the motion of Mr. Gilbert, and it was determined in the negative.

Mr. President put the question on the adoption of Rule 11, and it was determined in the affirmative.

Rule 12 was then read, and there being no debate, Mr. President declared said Rule adopted.

Rule 13 was then read.

Mr. Platzek moved to amend by striking out the words "or the suspension of any rule."

Mr. President put the question on the motion of Mr. Platzek, and it was determined in the negative.

Mr. President put the question on the adoption of Rule 13, and it was determined in the affirmative.

Rule 14 was read, and there being no debate, Mr. President declared said rule adopted.

Rule 15 was read and a printer's error in subdivision 3 was corrected by substituting "seventeen" for the word "eleven;" and there being no debate, Mr. President declared said rule adopted.

Rule 16 was read.

Mr. Spencer moved to amend by striking out the words "by the Convention" and inserting in lieu thereof "or which may relate to the subject upon which they were appointed."

Mr. President put the question on the motion of Mr. Spencer, and it was determined in the negative.

Mr. President put the question on the adoption of Rule 16, and it was determined in the affirmative.

Rule 17 was read.

Mr. Alvord moved to amend by inserting the word "constitutional" before the word "amendments," in lines 2 and 6, and also that the Secretary be instructed to insert the word "consti-

tutional" before the word "amendments" in the rules wherever it is necessary.

Mr. President put the question on Mr. Alvord's motion and it was determined in the affirmative.

Mr. President put the question on the adoption of said rule, as amended, and it was determined in the affirmative.

Mr. Goodelle moved that the Convention adjourn at half-past one o'clock for the day.

Mr. Marks raised the point of order that a motion of that kind is out of order; that the business we are under is a special order.

Mr. President declared the point of order well taken.

Rules 18, 19, 20, 21, 22 and 23 were then read, and there being no debate, Mr. President declared said rules adopted.

Rule 24 was read.

Mr. Abbott moved to amend by striking out the words "by unanimous consent" and inserting in lieu thereof the words "or by the consent of a majority of the members present."

Mr. Root moved as a substitute for the motion of Mr. Abbott to insert after the word "by" in the second line of the rule the words "the acceptance of," and after the word "rules" in the second line insert the words "or by a two-thirds vote," so that the rule will read "any matter may be made a special order for any particular day by the acceptance of the report of the Committee on Rules, or by a two-thirds vote, or by unanimous consent."

Mr. Abbott accepted the amendment.

Mr. Holcomb moved to strike out the words "or by a two-thirds vote"

Mr. President put the question on the motion of Mr. Holcomb, and it was determined in the negative.

Mr. Marks moved to strike out the words "or by unanimous consent."

Mr. President put the question on Mr. Mark's motion and it was determined in the negative.

Mr. Lincoln moved to amend by striking out the words "two-thirds" and inserting in lieu thereof the word "majority."

Mr. President put the question on Mr. Lincoln's motion and it was determined in the negative.

Mr. Roche moved to amend by striking out all after the word "day" on line 2 and inserting in lieu thereof "by the assent of two-thirds of the members present," so that the rule will read "any matter may be made a special order for any particular day by the assent of two-thirds of the members present."

Mr. President put the question on Mr. Roche's motion, and it was determined in the negative.

Mr. Root moved the previous question.

Mr. President put the question on the previous question and it was determined in the affirmative.

Mr. President put the question on the substitute offered by Mr. Root and it was determined in the affirmative.

Mr. President put the question on the adoption of Rule 24, as amended, and it was determined in the affirmative.

Mr. Root then moved that Rule 32 be taken up out of its order.

Mr. President put the question on the motion of Mr. Root and it was determined in the affirmative.

Rule 32 was read.

Mr. Marks moved to amend by inserting at the end of said rule the following, "a report from a committee that no amendment should be made to the provisions of the existing Constitution, relating to any specific subject shall not be received by the Convention, nor shall an adverse report on any proposition introduced by a delegate be received by the Convention unless the delegate who has introduced the amendment upon which the committee desires to report adversely has first had an opportunity to be heard by said committee."

Mr. Osborn moved to amend by inserting after the word "reported" on line 5, the words "by such committee, or by minorities thereof."

Mr. President put the question on the motion of Mr. Osborn, and it was determined in the affirmative.

Mr. President put the question on the motion of Mr. Marks, and it was determined in the negative.

Mr. Peck moved to amend by inserting after the words "reports thereon" the words "but no report shall be made until after the proposed constitutional amendment shall have been on the files at least one Convention day."

Pending consideration.

Mr. Roche then moved to suspend the further consideration of the special order.

Mr. President then put the question on Mr. Roche's motion, and it was determined in the affirmative.

Mr. Roche then moved that the proposed amendments to the Constitution already introduced be ordered printed and placed on the files of members.

Mr. President put the question on the motion of Mr. Roche, and it was determined in the affirmative.

Mr. Root then moved that the Convention adjourn.

Mr. President put the question on Mr. Root's motion and it was determined in the affirmative, and, at 12.55, the Convention adjourned.

Tuesday, May 29, 1894.

The Convention met pursuant to adjournment.

Prayer by Rev. J. B. Thrall.

The Journal of Friday, May twenty-fifth, was read and approved.

Mr. Fraser presented the petition of 3,216 citizens of Washington county asking that the word "male" be stricken out of the Constitution, which was referred to the Committee on Suffrage.

Mr. Hedges, on behalf of Mr. Arnold, presented the petition of 3,163 citizens of Dutchess county on the same subject.

Referred to the Committee on Suffrage.

Mr. Redman presented the petition of 2,253 citizens of Westchester county on the same subject.

Referred to the Committee on Suffrage.

Mr. H. A. Clark presented the petition of 1,610 citizens of Tioga county on the same subject.

Referred to the Committee on Suffrage.

Mr. McLaughlin presented the petition of 2,309 citizens of Essex county on the same subject.

Referred to the Committee on Suffrage.

Mr. McArthur presented the petition of 1,877 citizens of Warren county on the same subject.

Referred to the Committee on Suffrage.

Mr. Floyd presented the petition of 2,246 citizens of Suffolk county on the same subject.

Referred to the Committee on Suffrage.

Mr. Nichols presented the petition of 5,943 citizens of Steuben county on the same subject.

Referred to the Committee on Suffrage.

Mr. A. B. Steele presented the petition of 2,129 citizens of Herkimer county on the same subject.

Referred to the Committee on Suffrage.

Mr. Barhite presented the petition of 5,401 citizens of Wyoming county on the same subject.

Referred to the Committee on Suffrage.

Mr. Maybee presented the petition of 1,523 citizens of Sullivan county on the same subject.

Referred to the Committee on Suffrage.

Mr. Cookinham presented a memorial and petition of Dana W. Bigelow and others against the appropriation of money for sectarian purposes.

Referred to the Committee on Charities.

Mr. Francis presented the petition of citizens of Troy praying for the inspection of various State institutions yearly or oftener.

Referred to the Committee on Charities.

Mr. Becker presented a memorial of the New York Medico-Legal Society in regard to the abolition of the office of coroner.

Referred to the Committee on County, Town and Village Officers.

Mr. J. I. Green offered a resolution in words following :

Resolved, That the district attorney of each county in this State be requested by the Secretary to forward to this Convention, a list of the persons indicted for the commission of crime in their respective counties, and now actually confined in the

prisons of their respective counties awaiting trial, together with the date of their arrest, and indictment and for what cause they were indicted.

Also a list of the persons actually confined in prison in their respective counties awaiting indictment, with the date of their arrest and for what cause arrested.

Tabled under the rule.

Mr. C. H. Lewis offered a resolution in words following:

Resolved, That there be printed in pamphlet form, suitably and convenient, for the use of this Convention, six hundred copies of the rules of the Convention, as finally adopted, with a list of the standing committees and a list of the officers and members of the Convention with their Albany residences.

The President put the question on said motion, and it was determined in the affirmative.

91.—Mr. Jacobs presented a proposed amendment to article 3, sections 2, 3 and 4, fixing the number of Senators, their election, term of office, compensation and qualification.

Referred to the Committee on Legislative Organization.

92.—By Mr. Veeder:

Proposing amendment to article 3, section 4 of the Constitution, relative to the enumeration of inhabitants.

Referred to the Committee on Legislative Organization.

93.—Also, proposing amendment to article 3, section 9 of the Constitution, relative to the organization or consolidation of cities, villages or towns.

Referred to the Committee on Cities, and County, Town and Village Government.

94.—Also, proposing amendment to article 12, section 2 of the Constitution, relative to the calling of future Conventions to revise the Constitution.

Referred to the Committee on Constitutional Amendment.

95.—By Mr. Burr:

Proposing amendment to article 8 of the Constitution, by adding section 12, prohibiting monopolies and trusts.

Referred to the Committee on Industrial Interests.

96.—By Mr. Hottenroth :

Proposing amendment to article 1, section 6 of the Constitution relative to the taking of property for public use.

Referred to the Committee on Preamble.

97.—Also, proposing amendment to article 1, section 13 of the Constitution, abolishing dower and courtesy.

Referred to the Committee on Preamble.

98.—By Mr. Chipp :

Proposing amendment to article 2, section 5 of the Constitution, relative to election by ballot or other means authorized by the Legislature.

Referred to the Committee on Suffrage.

99.—By Mr. Roche:

Proposing amendment to the Constitution prohibiting the granting of pensions to civil officers or employes, except in certain cases.

Referred to the Committee on Legislature, its Powers and Duties.

100.—Also, proposing amendment to article 2, section 1 of the Constitution, relating to the naturalization of citizens.

Referred to the Committee on Suffrage.

101.—By Mr. Moore :

Proposing amendment to article 6 of the Constitution, relative to the election of General Term justices of the Supreme Court.

Referred to the Committee on Judiciary.

102.—Also, proposing amendment to article 6, section 13 of the Constitution, relative to the official terms of justices of the Supreme Court and judges of the Court of Appeals.

Referred to the Committee on Judiciary.

103.—By Mr. Cookinham :

Proposing amendment to article 3, section 2 of the Constitution, in regard to the number of Senators and members of Assembly.

Referred to the Committee on Legislature and its Organization.

104.—By Mr. C. A. Fuller :

Proposing amendment to article 1, section 1 of the Constitution, declaring the State of New York an inseparable part of the Federal Union.

Referred to the Committee on Preamble.

105.—By Mr. Dean :

Proposing amendment to article 8 of the Constitution relating to railroads and other corporations occupying public franchises.

Referred to the Committee on Railroads.

106.—By Mr. Lincoln :

Proposing amendment to article 2, section 1 of the Constitution, relative to the qualification of voters.

Referred to the Committee on Suffrage.

107.—Also, proposing amendment to article 1, section 14 of the Constitution, relative to leases of agricultural land.

Referred to the Committee on Preamble.

108.—Also, proposing amendment to article 2 of the Constitution, relative to voting by women who are taxpayers.

Referred to the Committee on Suffrage.

109.—Also, proposing amendment to article 2, section 4 of the Constitution, relating to the registration of voters.

Referred to the Committee on Suffrage.

110.—Also, proposing amendment to article 2 of the Constitution, relative to female suffrage.

Referred to the Committee on Suffrage.

Mr. President announced the special order being the consideration of the report of the Committee on Rules.

Mr. Root moved to take up the rules in regular order, commencing with Rule 25.

The President put the question on said motion, and it was determined in the affirmative.

Rule 25 was then read.

Mr. Roche moved to add at the end thereof the following :

“Nor a limit be made as to the number of times of speaking.”

Mr. President put the question on said motion, and it was determined in the affirmative.

Mr. Durfee moved to amend:

Strike out the first clause and insert in lieu thereof:

"Any matter may be committed to the Committee of the Whole, upon the report of a standing or select committee, or, by unanimous consent, at any time. Any committee may be discharged from the further consideration of any matter referred to it, and such matter may then be referred to the Committee of the Whole, by a vote of the Convention."

Mr. President put the question on said motion, and it was determined in the affirmative.

Mr. President put the question on adoption of Rule 25, as amended, and it was determined in the affirmative.

Rule 26 was read.

On motion of Mr. McClure the consideration of said rule was postponed until Rule 56 is reached in order.

Rule 27 was read.

On motion of Mr. McClure and by unanimous consent, the consideration of said rule was postponed until Rule 56 is reached in order.

Rule 28 was read.

Mr. Veeder moved to amend by inserting after the word "quorum," the words "the committee shall then rise, and"

Mr. President put the question on said motion, and it was determined in the negative.

Mr. President put the question on adoption of Rule 28 and it was determined in the affirmative.

Rule 29 was read.

Mr. Veeder moved to amend by striking out all after the word "refused," and insert the words "such business shall be placed upon General Orders."

Mr. President put the question on said motion, and it was determined in the negative.

Mr. President put the question on adoption of Rule 29, and it was determined in the affirmative.

Mr. Cochran moved to reconsider the vote by which the amendment offered by Mr. Speer to Rule 5, as follows:

Strike out the word "chairman," and insert in lieu thereof the words "a majority of the committee," was lost, and that that motion lay on the table.

Mr. President put the question on said motion, and it was determined in the affirmative.

Rules 30 and 31 were read, and no debate arising thereon, the President declared said rules adopted.

Rule 32 being read, Mr. President stated the question to be upon the amendment offered by Mr. Peck on Friday last, as follows:

Insert after the words "reports thereon," the words "but no report shall be made until after the proposed constitutional amendment shall have been on the files at least one Convention day."

By unanimous consent Mr. Peck amended said amendment by adding thereto "against the objection of five members of the Convention."

Mr. President put the question on said motion, and it was determined in the negative.

Mr. Van Denbergh moved to amend by inserting after the words "agreed to," the words "by Committee of the Whole."

Mr. President put the question on said motion, and it was determined in the negative.

Mr. Root moved to reconsider the vote by which the amendment offered by Mr. Osborn, on Friday last, inserting after the word "reported," the words "by such committee or by minorities thereof," was adopted.

Mr. President put the question on said motion, and it was determined in the affirmative.

The question then being on the adoption of the amendment offered by Mr. Osborn.

Mr. Root offered the following as a substitute: "Add at the end of Rule 32 the following: "All constitutional amendments proposed by a minority report from any committee, shall be printed and placed on the files of the members of the Convention."

Mr. Osborn accepted the substitute.

Mr. President put the question on the substitute offered by Mr. Root, and it was determined in the affirmative.

Mr. Peck moved to amend by inserting after the words "report thereon," the words "but no report shall be made until after the proposed constitutional amendment shall have been on the files at least one Convention day, against the objection of five members of the Convention."

Mr. President put the question on said motion, and it was determined in the negative.

Mr. Veeder moved to strike out all after word "had," on next to the last line and inserting in lieu thereof the words "a reasonable time to consider the same."

Mr. Becker moved to amend as follows: Strike out the words "no standing or select committee shall be discharged from the consideration of a proposed amendment referred to it until the committee has had a meeting subsequent to such reference."

Mr. President put the question on said motion, and it was determined in the affirmative.

Mr. Vedder moved to strike out the word "received," and insert the words "agreed to."

Mr. President put the question on said motion, and it was determined in the affirmative.

Mr. President put the question on the adoption of Rule 32, as amended, and it was determined in the affirmative.

Rule 33 was read and, there being no debate, Mr. President declared said rule adopted.

Mr. President announced as follows:

The following persons have been designated as reporters for the public press in accordance with subdivision 7 of Rule 2.

George E. Graham.....	Associated Press.
Hugh B. McLean.....	Commercial Advertiser.
John W. Griffin.....	Rochester Post-Express.
E. L. Murlin.....	New York Tribune.
H. S. Cunningham.....	Utica Morning Herald.
F. G. Mather.....	Buffalo Express.
Edw. G. Riggs.....	The Sun.
William A. Hoy.....	New York World.
R. H. Fuller.....	Albany Journal.
Henry L. Stoddard.....	New York Mail and Express.

On motion of Mr. Becker, at 1.12 P. M., the Convention took a recess until 3 o'clock P. M.

Three o'clock P. M. the Convention again met.

By unanimous consent Mr. Gilbert called up the resolution offered by him in words following:

Resolved, That the Secretary of the Convention be authorized to make the usual contracts, as are made by the clerks of the two houses of the Legislature, with the postmaster of the city of Albany, and the express companies, for the transmission of papers and documents.

Mr. President put the question on said motion, and it was determined in the affirmative.

The President announced the following:

The following persons have been designated to act as reporters for the public press in accordance with subdivision 7 of Rule 2.

Lewis R. Stegman.....	Brooklyn Standard-Union.
Frank Richter.....	New York Staats Zeitung.
Hugh Hastings.....	New York Times.
H. W. Smith—	New York Evening Sun, Buffalo Courier, Rochester
	Union and Advertiser.

Harry C. Gott.....	Albany Times-Union.
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Rules 34, 35, 36 were read, and there being no debate Mr. President declared said rules adopted.

Rule 37 was read.

Mr. Roche moved to amend by adding thereto the following :
 "but the vote on the final passage of every proposed amendment, revision or addition to the Constitution, shall be taken by ayes and nays which shall be entered on the Journal.

Mr. President put the question on said motion, and it was determined in the affirmative.

Mr. President put the question on the adoption of said Rule 37, as amended, and it was determined in the affirmative.

Rule 39 was read.

Mr. W. H. Steele moved to amend by adding at the end thereof the following:

"This rule shall not be construed to prevent debate during the reading of the proposed constitutional amendment."

Mr. President put the question on said motion, and it was determined in the negative.

Mr. McClure moved to amend as follows : After word "merits" insert "or for amendment."

Mr. President put the question on said motion, and it was determined in the negative.

Mr. President put the question on adoption of Rule 39, and it was determined in the affirmative.

Rule 40 was read.

Mr. Roche moved to amend by inserting after "blanks" the words "or such as were offered in Committee of the Whole."

Mr. President put the question on said motion, and it was determined in the negative.

Mr. President put the question on the adoption of Rule 40, and it was determined in the affirmative.

Rule 41 was read.

Mr. W. H. Steele moved to amend by striking out the words "and such motion shall not be debatable."

Mr. President put the question on said motion, and it was determined in the negative.

Mr. Kerwin moved to amend as follows : Insert after the words "recommit it," the words "to the committee which originally reported it."

Mr. President put the question on said motion, and it was determined in the negative.

Mr. Root moved to amend by adding at the end thereof "but any amendment reported by a standing committee pursuant to such instructions, shall be subject to be recommitted to the Committee of the Whole."

Mr. Bowers moved to amend the amendment offered by Mr. Root, by adding at the end thereof "motion shall be debatable."

Mr. President put the question on said motion, and it was determined in the negative.

Mr. Root moved that the Convention now adjourn.

Mr. President put the question on said motion, and it was determined in the affirmative by the following vote:

Ayes — Mr. Abbott, Mr. Acker, Mr. Allaben, Mr. Baker, Mr. Banks, Mr. Barhite, Mr. Barnum, Mr. Cady, Mr. Carter, Mr. Church, Mr. H. A. Clark, Mr. Coleman, Mr. J. C. Davies, Mr. Doty, Mr. Durfee, Mr. Emmet, Mr. Foote, Mr. Forbes, Mr. Gilbert, Mr. J. I. Green, Mr. Hamlin, Mr. Hawley, Mr. Hill, Mr. I. Sam Johnson, Mr. C. H. Lewis, Mr. Lincoln, Mr. Marshall, Mr. Maybee, Mr. McDonough, Mr. McMillan, Mr. Moore, Mr. Morton, Mr. Parker, Mr. Parkhurst, Mr. Peck, Mr. Porter, Mr. Redman, Mr. Root, Mr. A. B. Steele, Mr. W. H. Steele, Mr. Tucker, Mr. Wellington, Mr. Whitmyer, Mr. Wiggins, Mr. Woodward — 45.

Noes — Mr. Becker, Mr. Bowers, Mr. Burr, Mr. Campbell, Mr. Cochran, Mr. Danforth, Mr. Dean, Mr. Durnin, Mr. Floyd, Mr. O. A. Fuller, Mr. Galinger, Mr. Giegerich, Mr. Gilleran, Mr. Goodelle, Mr. A. H. Green, Mr. Hottenroth, Mr. J. Johnson, Mr. Kerwin, Mr. Lauterbach, Mr. Manley, Mr. McClure, Mr. J. W. McLaughlin, Mr. Mereness, Mr. Platzek, Mr. Roche, Mr. Roderick, Mr. Speer, Mr. Springweiler, Mr. Tekulsky, Mr. Titus, Mr. C. H. Truax, Mr. C. S. Truax, Mr. Turner, Mr. Van Denbergh, Mr. Veeder, Mr. Vogt — 36.

And at 4.55 the Convention adjourned.

Thursday, May 31, 1894.

The Convention met pursuant to adjournment.

Prayer by Rev. Dr. S. F. Morrow.

The Journal of Tuesday, May twenty-ninth, was read and approved.

The President presented six petitions of Helen Shelton Smith and others, asking an appropriation of State money for the education of New York State Reservation Indians in industrial institutions outside the State, which was referred to the Committee on Indians.

Mr. Pool presented the petition of residents of Lockport for an amendment to article 8 of the Constitution, relating to appropriations for sectarian purposes.

Referred to the Committee on Charities.

Mr. Tucker presented the petition of 42,478 citizens of New York county asking that the word "male" be stricken out of the Constitution, which was referred to the Committee on Suffrage.

Also, the petitions of the officials of certain labor organizations, by authority of the American Federation of Labor, representing 40,000 men; the Trade, Labor and Reform Conference, representing 70,000, and other organizations representing 1,396 men, on the same subject.

Referred to the Committee on Suffrage.

Mr. Wiggins presented the petition of eighteen citizens of Orange county on the same subject.

Referred to the Committee on Suffrage.

Mr. Hawley presented the petition of 2,170 citizens of Seneca county on the same subject.

Referred to the Committee on Suffrage.

Mr. Tucker presented the petition of 21,239 citizens of New York city on the same subject.

Referred to the Committee on Suffrage.

Mr. Danforth presented the petition of 1,209 citizens of Schoharie county on the same subject.

Referred to the Committee on Suffrage.

Mr. Mereness presented the petition of 799 citizens of Lewis county on the same subject.

Referred to the Committee on Suffrage.

Mr. Osborn presented the petition of 294 citizens of Putnam county on the same subject.

Referred to the Committee on Suffrage.

Mr. Moore presented the petition of 7,900 citizens of Clinton county on the same subject.

Referred to the Committee on Suffrage.

Mr. Dickey presented the petition of 1,386 citizens of Orange county on the same subject.

Referred to the Committee on Suffrage.

Mr. Hill presented the petition of 8,271 citizens of Erie county on the same subject.

Referred to the Committee on Suffrage.

Mr. Hedges presented the petition of 1,075 citizens of Rockland county on the same subject.

Referred to the Committee on Suffrage.

Mr. Phipps presented the petition of 1,595 citizens of Queens county on the same subject.

Referred to the Committee on Suffrage.

Mr. Cassidy presented the petition of 1,853 citizens of Schuyler county on the same subject.

Referred to the Committee on Suffrage.

Mr. Gilbert presented the petition of 1,606 citizens of Franklin county on the same subject.

Referred to the Committee on Suffrage.

Mr. Platt presented the petition of 4,524 citizens of Chemung county on the same subject.

Referred to the Committee on Suffrage.

Mr. Van Denbergh presented the petition of 1,556 citizens of Montgomery county on the same subject.

Referred to the Committee on Suffrage.

Mr. Barnum presented the petition of 4,319 citizens of Otsego county on the same subject.

Referred to the Committee on Suffrage.

Mr. Hamlin presented the petition of 5,216 citizens of Ontario county on the same subject.

Referred to the Committee on Suffrage.

Mr. President presented a communication from the Comptroller in response to a resolution offered by Mr. Holls, on the twenty-third inst., relating to funds of the State of which the principal or interest is devoted to educational uses.

Mr. McMillan moved that said communication be printed and placed on the files of the members.

Mr. President put the question on said motion, and it was determined in the affirmative.

Mr. Hirschberg moved that said communication be referred to the Committee on Education when printed, and it was determined in the affirmative. (See Doc. No. 7.)

Mr. Phipps offered a resolution in words following:

Resolved, That in each committee room there be kept on file a complete set of the printed records and documents of the Constitution as supplied to the Delegates of this Convention, and that

the clerks of the committees be and they are hereby directed to place such records and documents on file and keep them in order for use of the committee occupying such room.

Mr. President put the question on said resolution, and it was determined in the affirmative.

Mr. I. S. Johnson offered a resolution in words following:

Resolved, That the Committee on Printing be instructed to ascertain and report what action is necessary to secure the prompt printing and delivery of all proposed Constitutional amendments in the order in which they are introduced.

Mr. President put the question on said resolution, and it was determined in the affirmative.

Leave of absence was granted to Mr. Riggs indefinitely.

Mr. Lincoln offered a resolution in words following:

Whereas, Sixteen States, to wit, Alabama, Arkansas, Colorado, Florida, Indiana, Kansas, Louisiana, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Oregon, South Dakota, Texas and Wisconsin, by their Constitutions, grant the right of suffrage to aliens who have filed a declaration of their intention to become citizens, but who have not been naturalized, thus permitting persons to participate in the government of this country who are subjects of a foreign power, and who owe no allegiance to the State nor to the United States, thereby giving rise to occasions when the votes of aliens may change the course of government; therefore,

Resolved, That it is the sense of this Convention that such grant of suffrage is contrary to the spirit of American institutions; that the right of suffrage ought to be uniform throughout the Union, and that no person ought to be permitted to vote who is not a citizen of the United States.

Resolved, That we hereby respectfully request Congress to recommend and submit to the several States for their consideration a proposed amendment to the National Constitution, requiring all voters to be citizens, and prohibiting any State from granting the right of suffrage to any person who is not a citizen of the United States.

Resolved, That the Secretary of this Convention immediately transmit a copy of these resolutions to the President of the Senate

of the United States, and also to the Speaker of the House of Representatives.

Resolved, That we hereby respectfully request the Senators and members of Congress from this State to urge the adoption by Congress of a concurrent resolution providing for the submission of the proposed amendment.

Tabled under the rule.

Mr. Moore offered a resolution in words following:

Resolved, That the Judiciary Committee request all county clerks to furnish it with the cost of terms of County Courts in their respective counties, and the days said courts have sat, during the last ten years, at each term. Also, that the county treasurer of each county be requested to furnish said committee with the amount of the salary of each county judge, and of each surrogate, and surrogate and county judge where the two offices were held by the same incumbent.

Mr. Hamlin moved that said resolution lay on the table.

Mr. President put the question on said motion, and it was determined in the affirmative.

Mr. Storm and Mr. Burr were granted leave of absence for this afternoon and to-morrow.

Mr. Durnin was granted leave of absence for to-morrow.

Mr. Barrow offered a resolution in words following:

Resolved, That the Secretary of State be requested to furnish to this Convention, from such data as may be in his possession, as near as may be, the number of manufacturing and business corporations organized under the laws of other States for the purpose of conducting business within this State, during the period of three years last past, together with such information as may be in his possession as to the causes which have led to the organizations of such corporations without the State; and that the said Secretary also report such information as may be in his possession, if any, as to the organization by citizens of this State of corporations under the laws of other States to do business therein; and the reasons which have actuated such organizations to do business in other States rather than under the laws of this State.

Tabled under the rule.

111—Mr. Storm presented a proposed amendment to article 8 of the Constitution, relating to corporations and competing lines of railroads.

Referred to the Committee on Railroads.

112—Also, proposing amendment to article 8 of the Constitution, relating to corporations prohibiting trusts.

Referred to the Committee on Corporations.

113—By Mr. Tucker:

Proposing amendment to the Constitution, providing for a new article relative to home rule for cities.

Referred to the Committee on Cities.

114—Also, proposing amendment to the Constitution by inserting a new article providing for legislation by the direct vote of the electors of the State.

Referred to the Committee on Legislature, its Powers and Duties.

115—By Mr. Arnold:

Proposing amendment to article 3, section 18 of the Constitution, requiring the publication of local and private laws in the locality thereby affected.

Referred to the Committee on Legislature, its Powers and Duties.

116—By Mr. Roche:

Proposing amendment to article 3, section 18 of the Constitution, restricting the power of the Legislature to pass private or local bills.

Referred to the Committee on Legislature, its Powers and Duties.

117—By Mr. McDonough:

Proposing amendment to article 3 of the Constitution, by adding a new section, providing for the employment of prisoners in State prisons, penitentiaries and jails.

Referred to the Committee on State Prisons.

118—By Mr. Alvord:

Proposing amendment to article 2, section 1 of the Constitution, providing an educational qualification for voters.

Referred to the Committee on Suffrage.

119—By Mr. O'Brien:

Proposing amendment to article 2, section 3 of the Constitution, disfranchising certain voters.

Referred to the Committee on Suffrage.

120—By Mr. Barhite:

Proposing amendment to article 1, section 6 of the Constitution, giving the Legislature power to pass certain laws for the obtaining of evidence without the State in criminal proceedings.

Referred to the Committee on Legislature, its Powers and Duties.

121—Also, proposing amendment to article 2, section 1 of the Constitution, providing for an educational qualification of voters.

Referred to the Committee on Suffrage.

122.—By Mr. I. S. Johnson:

Proposing amendment to the Constitution, to prevent the use of public funds by public officers.

Referred to the Committee on State Finances and Taxation.

123—Also, Proposing amendment to the Constitution, relating to the uniform assessment and taxation of property within the State.

Referred to the Committee on State Finances and Taxation.

124—By Mr. Doty:

Proposing amendment to article 3, section 18 of the Constitution, relating to private and local bills.

Referred to the Committee on Legislature, its Powers and Duties.

125—Also, proposing amendment to article 7 of the Constitution, relating to canals.

Referred to the Committee on Canals.

126—By Mr. Woodward:

Proposing amendment to article 6, section 15 of the Constitution, in regard to the jurisdiction of county courts.

Referred to the Committee on Judiciary.

127—Also, proposing amendment to article 6, section 8 of the Constitution, in relation to second trials of cases by the same Supreme Court justice.

Referred to the Committee on Judiciary.

128—Also, proposing amendment to article 6, section 6 of the Constitution, relating to General Terms of the Supreme Court.

Referred to the Committee on Judiciary.

129—By Mr. McMillan:

Proposing amendment to article 4, section 1 of the Constitution, relating to the Governor.

Referred to the Committee on Governor and State Officers.

130—By Mr. Coleman:

Proposing amendment to the Constitution, concerning the liability of employers to employees.

Referred to the Committee on Industrial Interests.

131—By Mr. Hill:

Proposing amendment to article 3, section 8 of the Constitution, relating to the eligibility of persons to a seat in the Legislature.

Referred to the Committee on Legislature, and its Organization.

132—By Mr. Dean:

Proposing amendment to article 3, sections 3, 4 and 5, to provide a non-partisan legislative apportionment.

Referred to the Committee on Legislature, and its Organization.

Mr. Hamlin, from the Committee on Printing, made a report, which was, on motion of Mr. Hamlin, ordered printed and placed on the files of the members.

Mr. President announced the special order, being the further consideration of the report of the Committee on Rules.

Mr. President stated the question to be on the amendment offered by Mr. Root to Rule 41, as follows:

Add at the end of Rule 41 the following: "But any amendment reported by a standing committee pursuant to such instructions shall be subject to be recommitted to the Committee of the Whole."

Mr. Root withdrew said amendment.

Mr. Root then moved the following as a substitute:

Strike out all after words "recommit it" down to the words "and such motion."

Mr. Roche moved to amend by substituting the following for Rule 41:

"Rule 41. A motion may be made during the third reading of any proposed constitutional amendment to recommit it to such committee as the Convention may direct; such motion shall not be debatable, except that the member making it may speak not more than five minutes in explanation thereof; when the committee shall report back, its report shall be subject to consideration in Committee of the Whole, if the Convention shall so direct."

Mr. Root moved the previous question.

Mr. President put the question on the motion of Mr. Root, and it was determined in the affirmative.

Mr. President put the question on the motion of Mr. Roche, and it was determined in the negative.

Mr. President put the question on the substitute of Mr. Root, and it was determined in the affirmative.

Mr. Cochran moved to amend as follows:

After word "writing" insert the following: "A proposed constitutional amendment reported under this rule shall be subject to the provisions of Rules 33 and 34."

Mr. President put the question on the motion of Mr. Cochran, and it was determined in the negative.

Mr. President put the question on the adoption of Rule 41, as amended, and it was determined in the affirmative.

Rules 42 and 43 were read, and, no debate arising, the President declared said rules adopted.

Rule 44 was read.

Mr. Cochran moved to amend by excluding the provision that the motion to "postpone indefinitely" (not amendable) from the class of motions that preclude debate on main questions.

Mr. Hirschberg moved to amend by adding after the words "(not amendable)" the words "but debatable."

Mr. President put the question on the motion of Mr. Hirschberg, and it was determined in the affirmative.

Mr. President put the question on the motion of Mr. Cochran, as amended, and it was determined in the affirmative.

Mr. President put the question on the adoption of Rule 44, as amended, and it was determined in the affirmative.

Rules 45, 46, 47, 48 and 49 were read, and, no debate arising, Mr. President declared said rules adopted.

Rule 50 was read.

Mr. E. R. Brown moved to amend subdivisions 1 and 2 of said rule by substituting the following:

1. Resolutions giving rise to debate, except such as shall relate to the disposition of business immediately before the Convention to the business of the day on which they may be offered, or to adjournments or recesses, shall lie over one day for consideration; after which, they may be called up, as of course, under their appropriate order of business.

2. Resolutions containing calls for information from any of the executive departments from State, county or municipal officers, or from any corporate bodies, shall be referred to the appropriate committee. Such committee shall report thereon within three days.

Mr. President put the question on said substitute, and it was determined in the affirmative.

Mr. President put the question on the adoption of Rule 50, as amended, and it was determined in the affirmative.

Rules 51, 52 and 53 were read, and, no debate arising, the President declared said rules adopted.

Mr. Cochran moved to reconsider the vote adopting Rule 53 and that that motion lay on the table.

Mr. President put the question on the motion of Mr. Cochran, and it was determined in the negative.

Rules 54 and 55 were then read, and, no debate arising, the President declared said rules adopted.

Rule 56 was then read.

Mr. Barhite moved to amend as follows: Insert after the words "may report a rule limiting the time of debate" the following: "And upon such report no member shall speak more than once nor more than five minutes."

Mr. Alvord offered the following substitute for Rule 56, including the amendment offered by Mr. Barhite:

All proposed action touching the rules and order of business shall be referred, as of course, to the Committee on Rules; such committee may sit during the session of the Convention without special leave, and report at any time on rules or order of business so referred to them. It will be in order to call up for consideration at any time a report from the Committee on Rules. Any member may object to its consideration until the next legislative day, and, if sustained by twenty-four other members, the consideration shall be so postponed, but only once. Pending the final consideration thereof, but one motion (except by unanimous consent), that the Convention adjourn, may be entertained, and no other dilatory motion shall be entertained until such report is fully disposed of. A motion to suspend the rules shall, in all cases, state specifically the object of the suspension, and every case of suspension of a rule under such notice and motion shall be held to apply only to the object specified therein. Provided, that when ordered so to do by the Convention, whenever a standing committee shall make a report on a constitutional amendment or other subject, the Committee on Rules shall report a rule limiting the time for debate, and upon such report no member shall speak more than once nor more than five minutes, and if approved, such report shall stand as the time limited for debate on the subject-matter referred to in such rule, and the previous question or other motion to close debate shall not be in order until the expiration of the time allotted or the debate has been closed. The time thus allotted for debate shall be equally divided between those in favor and those opposed to the subject-matter under consideration. All questions or motions authorized by this

rule shall be decided at once without delay or debate except as herein expressly allowed.

Mr. Mulqueen moved to strike out all after and including the word "provided" and insert in lieu thereof "That the Convention shall fix time limited for debate. That whenever a standing committee shall make a report on a constitutional amendment or order subject, shall, by resolution, fix the time for debate on the subject-matter referred to in said report."

Mr. President put the question on the motion of Mr. Mulqueen, and it was determined in the negative.

Mr. Roche moved to strike out the words "twenty-four" and insert in lieu thereof the word "fifteen."

Mr. Root moved the previous question on Mr. Roche's amendment.

Mr. President put the question on the motion of Mr. Root, and it was determined in the affirmative.

Mr. President put the question on the adoption of Mr. Roche's amendment, and it was determined in the negative.

Mr. Roche moved to amend as follows: After the word "therein," on line 6, insert "provided that when a matter has been considered in committee of the whole one day, the Convention may direct that the Committee on Rules shall report a rule limiting the time of debate."

Mr. President put the question on the motion of Mr. Roche, and it was determined in the negative.

Mr. Roche moved to amend as follows: After the words "Committee on Rules," on line 8, insert the words "by a vote of not less than six of its members."

Mr. President put the question on the motion of Mr. Roche, and it was determined in the negative.

Mr. Roche moved to amend as follows: After the word "consideration," at the end of line 16, insert "and shall not be less than six hours, nor shall any question relating to suffrage, apportionment, judiciary, appropriations or corporations be limited to one legislative day, if ten members shall demand that such question shall stand over to the next day."

Mr. President put the question on the motion of Mr. Roche, and it was determined in the negative.

Mr. Blake moved to strike out the words "notice and."

Mr. President put the question on the motion of Mr. Blake, and it was determined in the negative.

Mr. President put the question on the substitute for Rule 56 offered by Mr. Alvord, and it was determined in the affirmative.

Mr. President put the question on the adoption of Rule 56, as amended, and it was determined in the affirmative.

Rules 26 and 27 were read, and, no debate arising, Mr. President declared said rules adopted.

Rules 57, 58, 59, 60 were then read, and, no debate arising, Mr. President declared said rules adopted.

Rule 61 was read.

Mr. Bush moved to amend by inserting after the word "quorum" the words "On the final passage of any proposed amendment to the Constitution the affirmative votes of a majority of all the delegates elected to the Convention shall be necessary."

On motion of Mr. Hirschberg, and by unanimous consent, said motion was referred to the Committee on Rules, to report on Wednesday next.

Rule 62 was read, and, no debate arising, Mr. President declared said rule adopted.

Rule 63 was read.

Mr. Riggs moved to amend as follows: Insert after the word "contempt" the following: "And member or members so offending shall be cited before the Committee on Privileges and Elections, which, after inquiry, shall report to the Convention for such action as the facts shall seem to warrant."

Mr. President put the question on said motion, and it was determined in the affirmative.

Mr. McClure moved to amend as follows: After the word "Convention," first occurring, insert the words "the measure upon which less than a quorum voted shall be deemed to be lost."

Mr. President put the question on said motion, and it was determined in the negative.

Mr. President put the question on the adoption of Rule 63, as amended, and it was determined in the affirmative.

Rules 64, 65, 66, 67, 68, 69, 70 were read, and, no debate arising, Mr. President declared said rules adopted.

Rule 71 was read.

Mr. McMillan moved to amend by striking out "five" and insert "six."

Mr. President put the question on said motion, and it was determined in the affirmative.

Mr. President put the question on the adoption of Rule 71, as amended, and it was determined in the affirmative.

Mr. Becker offered the following:

Add as rule 72:

Rule 72. The officers of the Convention appointed by the President shall perform such duties as he may prescribe, and for any breach of duty any such officer may be removed and his successor appointed by the President. The officers of the Convention appointed by the Secretary shall perform such duties as he may prescribe, and for any breach of duty any such officer may be removed and his successor be appointed by the Secretary.

Mr. President put the question on the motion of Mr. Becker, and it was determined in the affirmative.

Mr. Cookinham moved that the Convention adjourn.

Mr. President put the question on said motion, and it was determined in the affirmative.

And at 1.57 the Convention adjourned.

Friday, June 1, 1894.

The Convention met pursuant to adjournment.

Prayer by Rev. A. K. Duff.

The Journal of Thursday, May thirty-first, was read and approved.

Mr. Moore presented the petition of the Woman's Christian Temperance Union of Clinton county against the traffic in intoxicating liquors, which was referred to the Committee on Legislature, its Powers and Duties.

Mr. McArthur presented the petition of the Woman's Christian Temperance Union of Warren county on the same subject.

Referred to the Committee on Legislature, its Powers and Duties.

Mr. Moore presented the petition of the Woman's Christian Temperance Union of Clinton county asking that women be allowed to vote on equal terms with men.

Referred to the Committee on Suffrage.

Mr. Whitmyer presented the petition of 2,296 citizens of Richmond asking that the word "male" be stricken from the Constitution.

Referred to the Committee on Suffrage.

Mr. Davenport presented the petition of 752 citizens of Delaware county on the same subject.

Referred to the Committee on Suffrage.

Mr. T. W. Fitzgerald presented the petition of 2,036 citizens of Schenectady county on the same subject.

Referred to the Committee on Suffrage.

Mr. Countryman presented the petition of 5,681 citizens of Albany county on the same subject.

Referred to the Committee on Suffrage.

Mr. Root presented the protest of many thousand women of New York city against striking the word "male" from the Constitution.

Referred to the Committee on Suffrage.

Mr. Hill offered a resolution in words following:

Resolved, That the Committee on Contingent Expenses be requested to take into consideration, and report, upon the question of compensation of the stenographer of the Convention for his attendance and the taking of stenographic notes of debates and proceedings of the Convention, and for the performance of such other duties as are prescribed by the rules of this Convention.

Referred to the Committee on Contingent Expenses.

Mr. Becker called up the resolution presented by him yesterday in words following:

Resolved, That the Committee on Rules ascertain and report on the first legislative day of next week, the propriety of furnishing a daily report of the proceedings of this Convention to each of the newspapers published in this State and the estimated expense thereof.

By unanimous consent, Mr. Becker amended said resolution as follows: Striking out the word "Rules" and inserting in lieu thereof the word "Printing."

Mr. Roche moved to amend as follows, by adding thereto "and that the committee also report as to the cost of printing and binding 500 copies of the debates of the Convention to be distributed in the manner and to the persons named in Rule 71."

Mr. Becker accepted the amendment.

Mr. Hamlin moved to strike out the word "first" and insert in lieu thereof the word "second."

Mr. Becker accepted the amendment.

Mr. President put the question on the adoption of the resolution of Mr. Becker, as amended, and it was determined in the affirmative.

Mr. McLaughlin moved that the Committee on County, Town and Village Officers be discharged from the further consideration of the proposed amendment to the Constitution (No. 49), entitled "Proposed constitutional amendment to amend article 3 of the Constitution, relating to public officers," and that the same be referred to the Committee on Legislature, its Powers and Duties.

Mr. President put the question on said motion, and it was determined in the affirmative.

Mr. Lyon, from the Committee on Contingent Expenses, reported as follows:

The Committee on Contingent Expenses, to which was referred the communication of Mr. J. S. Saunders, postmaster of the Convention regarding the appointment of an assistant postmaster, would respectfully report:

That the acts providing for a Convention to revise and amend the Constitution, provide for the appointment of a postmaster, but contain no provision authorizing the appointment of a separate official to be known as an assistant postmaster.

The committee, after investigation, believes that any needed assistance in the post-office department can be obtained from among the ten messengers in the service of the Convention, as is at present being done, and still leave the messenger service at least amply sufficient for all the needs of the Convention.

Under Rule 72 the President of the Convention has the power to detail one or more messengers to render any such assistance as may be necessary.

The committee, therefore, reports adversely upon the application for the appointment of an assistant postmaster.

GEORGE F. LYON,
Chairman.

Mr. President put the question on the adoption of said report of the Committee on Contingent Expenses, and it was determined in the affirmative.

Also, the following:

The Committee on Contingent Expenses, to which was referred the resolution directing the Secretary of this Convention to have notices of committee meetings posted upon a bulletin board, and to have some person in charge thereof to give necessary information in regard thereto as is desired by members and others, at an expense of \$300 for the session, would report:

That the acts creating the Convention do not seem to contemplate the employment of a separate person to render the service mentioned;

That if, in the opinion of the Convention, it is desirable that notices of committee meetings be bulletined in addition to being

read from the Secretary's desk, the President, under authority given him by Rule 72, may direct the janitor or assistant janitor, or one of the messengers or other employes of the Convention to post the notices, so prepared by the Secretary, without additional charge.

The committee, therefore, reports adversely upon the resolution for the employment of an additional person to post notices and give information at an additional expense to the Convention of \$300, and recommends that the President of the Convention designate an employe or permit some other person to perform such service, if desirable, but without any charge whatever for the services so performed.

GEORGE F. LYON.

Chairman.

Mr. President put the question on the adoption of said report of the Committee on Contingent Expenses, and it was determined in the affirmative.

Mr. Hirschberg offered a resolution in words following:

Resolved, That the Committee on Printing be directed to cause five hundred (500) copies of the arguments of the respective counsel in the contests in the Thirtieth district, made before the Committee on Privileges and Elections, to be printed for the use of the Convention instead of the evidence.

Mr. Hirschberg then moved that the consideration of said resolution be postponed until next Tuesday.

Mr. President put the question on said motion, and it was determined in the affirmative.

133.—Mr. E. R. Brown.

Presented a proposed amendment to article 1, section 7 of the Constitution, relative to the right to take private property for the drainage of low lands which was referred to the Committee on Preamble.

134.—By Mr. Abbott:

Proposing amendment to article 4 of the Constitution, by adding a section thereto creating a Council of Revision of Legislative Bills.

Referred to the Committee on Governor and other State Officers, also, Legislature, its Powers and Duties.

135.—Also, proposing amendment to article 4, section 5 of the Constitution, relative to the pardoning power of the Governor.

Referred to the Committee on Governor and other State Officers.

136.—By Mr. McIntyre:

Proposing amendment to article 8, section 7 of the Constitution, relating to the liability of stockholders and directors of corporations.

Referred to the Committee on Corporations.

137.—By Mr. Kellogg:

Proposing amendment to article 6 of the Constitution, relating to the power of justices of the Supreme Court in certain cases.

Referred to the Committee on Judiciary.

138.—By Mr. W. H. Nichols:

Proposing amendment to article 2, section 3 of the Constitution, relating to the right to vote of persons in the military and naval service of the United States.

Referred to the Committee on Suffrage.

139.—By Mr. Turner:

Proposing amendment to the Constitution, relating to home rule for cities.

Referred to the Committee on Cities.

140.—By Mr. Porter:

Proposing amendment to article 2 of the Constitution, by adding a section requiring that coroners and deputy coroners be regular graduates of medicine.

Referred to the Committee on County, Town and Village Officers.

Mr. Hamlin, from the Committee on Printing, reported relative to the printing of the Convention.

Tabled and ordered printed.

Mr. Root, from the Committee on Judiciary, reported as follows:

REPORT OF THE COMMITTEE ON JUDICIARY.

To the Convention :

The Committee on Judiciary return herewith the writ of prohibition issued out of the Supreme Court commanding the Convention "to desist and refrain from any further proceedings in the matter of proving, examining, investigating, deciding or judging upon the qualification or election of Herman F. Trapper, or abridging or intermeddling with the rights or privileges of said Herman F. Trapper as a member of said Convention or as a delegate of said Convention" and reports thereon :

The Convention has been created by the direct action of the People and has been by them vested with the power and charged with the duty to revise and amend the organic law of the State.

The function with which it is thus charged is a part of the highest and most solemn act of popular sovereignty and in its performance the Convention has and can have no superior but the People themselves.

No court or legislative or executive officer has authority to interfere with the exercise of the powers or the performance of the duties which the People have enjoined upon this, their immediate agent.

The Convention has been expressly authorized by the existing Constitution and the vote of the People to revise and amend the Constitution. It has also, by necessary implication, been endowed by the same Constitution and vote, with all the powers essential to the exercise of the powers expressly conferred.

Among the powers so conferred by necessary implication, are some of a judicial nature affecting the organization and existence of the Convention itself. Among these are the power to discipline its members, to repress disorder, to try, condemn and punish persons who disobey its process, and to judge of the qualifications and elections of its members.

These powers are not included among those conferred upon the judiciary in the general distribution of powers to the three great departments, for the purposes of the ordinary government of the State under the Constitution.

They are deemed to be inherent in the legislative bodies which emanate directly from the People, because necessary to their independence and effective action. They are conferred upon every

such body by the simple act of its creation and without the necessity of an express grant.

This was the common law of England and of the Colony of New York on the 19th of April, 1775. It has always been the law of this State and universally throughout the United States.

A Constitutional Convention is a legislative body of the highest order. It proceeds by legislative methods. Its acts are legislative acts. Its function is not to execute or interpret laws, but to make them. That the consent of the general body of electors may be necessary to give effect to the ordinances of the Convention, no more changes their legislative character, than the requirement of the Governor's consent, changes the nature of the action of the Senate and Assembly.

It is far more important that a Constitutional Convention should possess these safeguards of its independence than it is for an ordinary Legislature; because the Convention's acts are of a more momentous and lasting consequence and because it has to pass upon the power, emoluments and the very existence of the judicial and legislative officers who might otherwise interfere with it. The Convention furnishes the only way by which the people can exercise their will, in respect of these officers, and their control over the Convention would be wholly incompatible with the free exercise of that will.

That the Constitutional Conventions of this State do possess among these inherent powers the power to judge of the qualifications and elections, of their members, has been expressly declared by high judicial authority and by the Legislatures of 1866, 1893 and 1894. It is in accordance with all approved text writers, and with the general usage of other States. We know of no authority whatever to the contrary. It is a necessary conclusion from the underlying principles upon which our government rests.

Our conclusion is,

That the people of this State have conferred upon the Convention the exclusive authority and have charged upon it the duty, to judge of the qualification and election of Herman F. Trapper.

That the members of the Convention, by accepting the office, and by their oaths of office, have bound themselves to perform the duty, of passing upon the election of Mr. Trapper; and no

other course is open to them, but to proceed with the performance thereof.

We report herewith, for the information of the Convention, a full statement of the law prepared by a sub-committee, and adopted by this committee.

Believing that the writ of prohibition heretofore issued *ex parte*, is the result of a misapprehension, we recommend that the views of the Convention, as embodied in the foregoing report, be transmitted by the Secretary of the Convention, to the Supreme Court, with a respectful remonstrance against its entertaining jurisdiction.

ELIHU ROOT,
Chairman.

REPORT OF THE SUB-COMMITTEE ADOPTED AND REPORTED BY THE JUDICIARY COMMITTEE.

To the Committee on Judiciary :

A question of high privilege is presented for the consideration of the Convention. Herman F. Trapper, who claims to be a duly elected member of this Convention, has applied to the Supreme Court, for a writ of prohibition whereby he seeks to restrain this body from taking any further action touching his rights to a seat in the Convention, and to require it "to refrain from any acts interfering with or in any manner abridging the rights of the petitioner as a member of the said Convention, so long as the petitioner shall comply with the rules and regulations adopted for the government of the said Convention." He denies the jurisdiction of this body to determine the contest, which is now pending, with respect to his right to a seat in the Convention, on the ground that such determination involves a judicial act, and that the Supreme Court alone possesses the jurisdiction to decide all controversies relative to the elections, returns and qualifications of members of the Constitutional Convention.

The remedy to which resort has been taken to restrain the Convention from its contemplated action is a writ of prohibition, issued out of the Supreme Court. The issuance of this writ involves the assertion by the tribunal whence it emanates, that the body to whom it is directed is an inferior tribunal, usurping

powers which it does not possess, and encroaching upon a jurisdiction beyond its purview.

Quimbo Appo v. People, 20 N. Y., 531.

Thompson v. Tracy, 60 N. Y., 31.

The logical conclusion from this definition must be, that in order to warrant judicial interference in the pending juncture, it must be determined, first, that the Constitutional Convention is inferior to the Supreme Court, and, secondly, that it has no jurisdiction to pass upon the qualifications and elections of its members.

We proceed to the consideration of these questions. Prior to the adoption of the Constitution of 1846, the organic law of this State contained no provision for a Constitutional Convention, although such conventions were ordered by the people pursuant to recommendations of the Legislature and held in 1801, 1821, and 1846.

Article 13, section 2, of the present Constitution provides :

“ At the general election to be held in the year 1866 and in each twentieth year thereafter, and also at such time as the Legislature may by law provide, the question, “ Shall there be a Convention to revise the Constitution and amend the same? ” shall be decided by the electors qualified to vote for members of the Legislature, and in case a majority of the electors so qualified, voting at such election shall decide in favor of a convention for such purpose, the Legislature, at its next session, shall provide by law for the election of delegates to such Convention.”

The Constitutional Convention is thus one of the recognized elements of our constitutional government. Whenever the People shall determine that such a Convention is to be held the duty is devolved upon the Legislature to provide by law for the election of delegates to the Convention. The voice of the People calls the Convention into being. Their mandate is the warrant by which the Convention acts. The power of the People to revise and amend their Constitution is exercised by them in a Convention created by their fiat, through the delegates elected by them.

Under the present Constitution changes in the organic law can be originated in but one of two methods. Either by means

of a Constitutional Convention called into existence by the People, or by the action of the majority of the members elected to a Senate and Assembly, subsequently referred to, another Legislature to be chosen at the next general election of Senators, and agreed to by a majority of all the members elected to each house. Should two Senates and two Assemblies fail to concur in any proposed amendment to the Constitution, no change can be wrought except in the manner provided by article 13, section 2.

It is of the greatest importance that a body chosen by the People of this State to revise the organic law of the State, should be as free from interference from the several departments of government as the legislative, executive and judiciary are, from interference by each other. Unless this were so, the will of the people might easily be nullified by the existing judiciary or Legislature.

Should the latter attempt to enact a law prohibiting the Constitutional Convention from restricting the existing powers of the Legislature, the act would be at once recognized as an unwarranted invasion of the rights of the People. How does the action of a court which seeks to restrain the Convention in the transaction of its business differ from the case supposed? It might happen, as it has frequently occurred, in other public assemblies, that the members elected to a Constitutional Convention were so narrowly divided in sentiment, that upon a single vote might depend the passage or defeat of a measure abolishing an existing court. If a writ of prohibition could tie the hands of the Convention, a judge of some court whose existence was at stake, might perpetuate his tribunal by the allowance of a writ identical with that which has been served upon this Convention. To sustain such a contention would amount to a nullification of the will of the People; would perpetuate an institution against the express wishes of the sovereign.

There is high authority in support of the proposition that a Constitutional Convention, is in effect a gathering of the People in their sovereign capacity. Such was the declaration of Mr. Livingston, in the New York Convention of 1821. He said: "The people are here themselves. They are present by their delegates. No restriction limits our proceedings. We are standing upon the foundations of society." In 1836 George M. Dallas, of Pennsylvania, declared a Constitutional Convention

to be: "The provided machinery of peaceful revolution." He said, "It is the civilized substitute for intestine war. When ours shall assemble it will possess within the territory of Pennsylvania every attribute of absolute sovereignty, except such as may have been yielded and are embodied in the Constitution of the United States. What may it not do? It may reorganize our entire system of social existence, terminating and proscribing what is deemed injurious, and establishing what is preferred."

In the Illinois Convention of 1847, Mr. Peters said, "We are the sovereignty of the State. We are what the people of the State would be if they were congregated here in one mass meeting. We are what Louis XIV said he was, "We are the State."

The Constitutional Convention, held in Pennsylvania in 1872, was created by an act of the Legislature of that State, and did not derive authority in any manner from the Constitution. The statute provided a method for the submission of the work of the Convention to the People. The Convention adopted an entirely different method, which was declared illegal by the Supreme Court of Pennsylvania, in *Wells v. Bain* (75 Pa. St., 39); *Woods Appeal* (75 Pa. St., 59); upon grounds not applicable to a Convention ordered as this Convention is, by the People under authority of the Constitution. The action of the courts was, nevertheless, considered a breach of the prerogatives of the Convention and by the almost unanimous vote of the Convention, the report of a committee consisting of some of the ablest lawyers in the State was adopted, the material portions of which were as follows:

"A proceeding to which the Convention was a party, has, in effect, and result, brought into controversy some of the fundamental principles of constitutional government. The opinion that has been pronounced in this proceeding contains doctrines, which, in our judgment, ought not to be left unchallenged. We believe them to be subversive of some of the absolute rights of the People. We, therefore, submit for the action of the Convention, the following resolutions:

"1. Resolved, That this Convention was called by authority of the People, as determined by their vote under the act of 1871, declaring that a Convention should be called to amend the Con-

stitution of this Commonwealth; and that this vote was a mandate to the Legislature, which that body was not at liberty to disobey or modify.

"2. Resolved, That the Constitution of the State is the only recognized form of its government, and the People having expressly reserved to themselves the right to alter, reform or abolish their government in such manner as they think proper, and declared that such right shall forever remain inviolate, this Convention deems it to be its duty to declare that it is not in the power of any department of an existing government to limit or control the powers of a Constitutional Convention called by the People to reform their Constitution; and that the Convention, subject to the Constitution of the United States is answerable only to the People from whom it derived its power."

Jamieson in his work on Constitutional Conventions, which was written with the express purpose of refuting the claims of those who asserted the identity of the Convention and the People admits that in the United States the Constitutional Convention belongs to the legislative class of assemblies. He says at section 420, "By this is meant that its proper function is to elaborate to a certain extent to be determined by the tenor of its commission, the fundamental law, much as the Legislature enacts the ordinary municipal law. Of these two species of law, the distinction between which has been already explained, it is the most important thing to note, that the one denominated fundamental law is, generally speaking, the work only of a Convention, a special and extraordinary assembly, convening at no regularly recurring periods, but whenever the harvest of constitutional reforms has become ripe, while, on the other hand, the ordinary statute law, whose provisions are tentatory and transient, is, regularly at least, the work of a Legislature, a body meeting periodically at short intervals of time. It is thoroughly settled that, under our Constitutions, State and Federal, a Legislature cannot exercise the functions of a Convention—cannot in other words, take upon itself the duty of framing, amending, or suspending the operation of the fundamental law. Being the supreme law of the land, all departments of the government are subject to its control, for from and under it they derive both their commissions and their existence; and to permit either of them to modify it would be to invert the relations of dependence on which the

safety of the whole system depends. This has never been doubted since the early days of the republic."

In *Goodrich v. Moore* (2 Minn., 61), the Supreme Court of that State declared that a Constitutional Convention is the highest legislative assembly recognized in law, invested with the power of enacting or framing the supreme law of the State. It has full control of all its proceedings, and may provide in such manner as it sees fit, to perpetuate its records; and, although the Convention may have been called together by legislative authority, that body has no right to select officers for the Convention or otherwise control the transaction of its legitimate business. Mr. Justice Atwater, speaking for the court, said: "The admission of such a right in the Legislature would place the Convention under its entire control. * * * It would have less power than a town meeting, and be incompetent to perform the objects for which it convened. It would be absurd to suppose a Constitutional Convention had only such limited authority. * * * It must have plenary power for this and all the incidents thereof. The fact that the Convention assembled by the authority of the Legislature renders it in no respect inferior thereto, as it may well be claimed whether, had the Legislature refused to make provision for calling a Convention, the people in their sovereign capacity would not have had the right to have taken such measures for confirming and adopting the Constitution as to them seemed meet."

In *Loomis v. Jackson* (6 W. Va., 708), the court reached the following conclusions upon a similar question: "First, that a Constitutional Convention lawfully convened does not derive its power from the Legislature but from the people. Second, that the powers of a Constitutional Convention are in their nature sovereign powers. Third, that the Legislature can neither limit nor restrict them in the exercise of these powers."

Treating the Constitutional Convention then, as a legislative body, whose function is the revision and amendment of the Constitution, the question arises whether, in the absence of express constitutional grant, it is precluded from adjudging the election and qualification of its members.

From what has been already said, it is manifest that the existence of such a power is essential to the preservation of its efficiency; that the intervention of the executive, legislative or judicial

departments of the government in the deliberations of the Convention and in the conduct of its business would be fraught with great danger, and would tend to destroy that independence which is so essential to the proper performance of the high duties imposed upon it by the People. The sessions of the Convention must necessarily be of short duration. The public welfare demands expedition. The delay incident to the trial of an election contest before a judicial tribunal, conducted in accordance with the usual forensic methods, would practically lead to great public injury. It is, therefore, important that the power to render a speedy, final and summary decision, should be invested in the body which is immediately concerned in securing its own efficient action.

It can hardly be contended that this body, which, by its single act, may perform the function of originating changes in the organic law, was not intended by the People to have all the powers of self-protection and independence deemed necessary for the Legislature, which is permitted to exercise that high prerogative only through the concurrence of two successive senates and assemblies. While it is true that the power of making such determination is by article 3, section 10, of the Constitution, expressly conferred upon the Senate and Assembly, and that by the Constitution of the United States similar powers are also vested in both houses of Congress; yet, it is well settled that such provisions are only declaratory, and that even in the absence of such express authority, the inherent power to act as the judge of the qualifications and elections of its members exists in every deliberative assembly, emanating directly from the people, even though it involves the exercise of judicial power. An examination of the authorities on the subject may be useful.

May, in his work on the "Law of Parliament" (8th ed., p. 56), says:

"Another important power peculiar to the Commons, is that of determining all matters touching the election of their own members. This right has been regularly claimed and exercised since the reign of Queen Elizabeth, and probably in earlier times, although such matters have been ordinarily determined in Chancery. Their exclusive right to determine the legality of the returns and the conduct of returning officers in making them,

was fully recognized in the case of *Barnardiston v. Soane*, by the Court of Exchequer Chamber in 1674 (6 Howell, St., Tr., 1092), by the House of Lords in 1689 (*ib.*, 1119), and also by the courts, in the cases of *Onslow* in 1680 (2 Vent., 37), and of *Prideaux v. Morris* in 1702 (2 Salk., 502; 1 Lutw., 82; 7 Mod., 13)."

Perhaps the most instructive account of the possession and exercise of this parliamentary power is that given by Hallam, who, while speaking of the reign of Elizabeth, says, in his *Constitutional History of England*, volume 1, page 273: "The Commons asserted in this reign, perhaps for the first time, another and most important privilege, of determining all matters relative to their own elections."

"Difficulties of this nature, had, in former times, been decided in Chancery, from which the writ issued, and into which the return was made. Whether no cases of interference on the part of the house had occurred, it is impossible to pronounce, on account of the unsatisfactory state of the rolls and journals of Parliament under Edward IV, Henry VII and Henry VIII. One remarkable entry may be found, however, in the reign of Mary, when a committee is appointed "to inquire if Alexander Nowell, prebendary of Westminster, may be of the house, and it is declared by them next day that an Alexander Nowell, being prebendary in Westminster, and thereby having a voice in the Convocation House, cannot be a member of this house; and so agreed by the house and the Queen's writ to be directed for another burgess in his place." (*Journals*, I, Mary, p. 27). Nothing further appears on the record bill.

In 1586, the house appointed a committee to examine the state and circumstances of the returns for the County of Norfolk. The fact was that the Chancellor had issued a second writ for this county on the ground of some irregularity in the first return, and a different person had been elected. Some notice having been taken of this matter in the Commons, the Speaker received orders, signifying to Her Majesty's displeasure that the house had been troubled with a thing impertinent for them to deal with, and only belonging to the charge and office of the Lord Chancellor, whom she had appointed to confer with the judges about the return for the County of Norfolk, and to act therein according to justice and right. The house, in spite of

this peremptory inhibition, proceeded to nominate a committee to examine into and report the circumstances of these returns, who reported the whole case, with their opinion that those elected on the first writ should take their seats; declaring, further, that they understood the Chancellor and some of the judges to be of the same opinion, but that they had not thought it proper to inquire of the Chancellor what he had done, because they thought it prejudicial to the privilege of the house to have the same determined by others than such as were members thereof. And though they thought very reverently of the said Lord Chancellor and judges, and knew them to be competent judges in their places, yet in this case they took them not for judges in Parliament in this house, and thereupon required that the members, if it were so thought good, might take their oaths and be allowed of by force of the first writ, as allowed by the censure of the house, and not as allowed of by the said Lord Chancellor and judges; which was agreed unto by the whole house. This judicial trial over their elections was not the last. A committee was appointed in the session of 1589 to examine into sundry abuses of returns, among which is enumerated that some are returns for new places, and several instances of the house's deciding on elections occur in subsequent Parliaments."

Mr. Cushing, in his work on the Law and Practice of Legislative Assemblies, chapter 6, section 1, page 146, says:

"The present Constitution of the House of Commons is, to a considerable extent the result of a series of struggles between it, on the one hand, and the Sovereign or Lords, or both on the other. One of the earliest of these conflicts and one of the most interesting, is that which terminated in the establishment of the right of the Commons, to be the exclusive judges of the returns, elections, and qualifications, of their own members. This right, after having been claimed and exercised, at one time by the King and Council, at another by the House of Lords, and again, by the Lord Chancellor, was declared by a resolution of the Commons, in 1624, and has ever since been admitted to belong exclusively to the house itself, as "its ancient, natural, and undoubted privilege." (Glanville, LXXXIII, 60.)

"This power is so essential to the free election and independent existence of a legislative assembly that it may be

regarded as a necessary incident to every body of that description, which emanates directly from the people; it is also, out of abundant caution, conferred upon or guaranteed to most of the legislative assemblies of the United States, by express constitutional provisions."

Mr. Justice Story, in his work on the Constitution, section 833, says:

"It is obvious that a power must be lodged somewhere to judge of the elections, returns and qualifications of the members of each house composing the Legislature; for otherwise there could be no certainty as to who were legitimately chosen members, and any intruder or usurper might claim his seat, and thus trample upon the rights, privileges and liberties of the people. Indeed, elections would come, under such circumstances, a mere mockery, and legislation the exercise of sovereignty by any self-constituted body. The only possible question on such a subject is as to the body in which such a power shall be lodged. If lodged in any other than the legislative body itself, its independence, its purity, and even its existence and action might be destroyed or put into imminent danger. No other body but itself can have the same motive to preserve and perpetuate these attributes; no other body can be so perpetually watchful to guard its own rights and privileges from infringement, to purify and vindicate its own character, and to preserve the rights, and to sustain the free choice of its constituents. Accordingly, the power has always been lodged in the legislative body by the uniform practice of England and America."

In volume 1, page 235, of Kent's Commentaries, the author says:

"Each house is made the sole judge of the election and return and qualification of its members. The same power is vested in the British House of Commons, and in the Legislatures of the several States, and there is no other body known to the Constitution, to which such a power might be safely trusted. It is requisite to preserve a pure and genuine reputation, and to control the evils of irregular, corrupt and tumultuous elections; and as each house acts in those cases in a judicial character, its decisions, like the decisions of any other court of justice ought to be regulated by known principles of law, and strictly adhered to, for the sake of uniformity and certainty."

Judge Cooley, in his *Constitutional Limitations* (6th ed., at p. 158), says :

“There are certain matters which each house determines for itself and in respect to which its decision is conclusive. It chooses its own officers, except where, by Constitution or statute other provision is made; it determines its own rules of proceeding; it decides upon the election and qualification of its own members. These powers it is obviously proper should rest with the body immediately interested, as essential to enable it to enter upon and proceed with its legislative functions without liability to interruption and confusion. To determine questions concerning contested seats, the house will exercise judicial power, but generally in accordance with a course of practice which has sprung from the precedents in similar cases, and no other authority is at liberty to interfere.”

The powers asserted by the House of Commons were also recognized in the Colonial Assemblies, one of the first cases being that recorded in Smith's *History of the Province of New York*, page 223, published in 1776, where the author says :

“All these who opposed you were disoblged with the Governor; among those Mr. DeLancey was the most considerable for his wealth and popular influence. He was very rigid in his religious profession, one of the first builders, and by far the most generous benefactor of the French Church, and, therefore, left it with the utmost reluctance. Mr. Burnett, before this time, had considered him as his enemy, because he had opposed the prohibition of the French trade; and this led him into a step, which as it was a personal indignity, Mr. DeLancey could never recollect without resentment. This gentleman was returned for the city of New York in the room of a deceased member, at the meeting of the Assembly in 1725. When he offered himself for the oaths Mr. Burnett asked him how he became a subject of the Crown? He answered, that he was denized in England, and His Excellency dismissed him, taking time to consider the matter. Mr. DeLancey then laid before the house an act of a notary public, certifying that he was named in a petition of denization, granted in the reign of James the Second—a patent of the same kind, under the great seal of this province. in 1686—and two certificates, one of his having taken the oath of allegiance according to an act passed here in 1683, and another of his serving in several former Assem-

blies. The Governor, in the meantime, consulted the chief justice and transmitted his opinion to the house, who resolved in favor of Mr. DeLancey.

"What Colonel Morris' opinion was, I have not been able to discover. Governor Burnett's conduct was thought to be unconstitutional, and an invasion of the rights of the Assembly, who claimed the exclusive privilege of determining the qualifications of their own members."

Vol. 5, Documents relating to N. Y. Colonial History, p. 761.

Vol. 8, Documents relating to N. Y. Colonial History, pp. 192, 319.

In 1 Hammond's Political History of New York, 62, the author says :

"By the Constitution, article 12, in connection with article 9, the Senate are constituted judges of their own members. The Colonial Assemblies had always exercised the right of judging whether their members were duly elected; a right which seems to me inherent in all representative bodies."

Some of these authorities were cited with approval by Judge Folger, in *People ex rel. Hatzel v. Hall* (80 N. Y., 121), where, after referring to the powers of the House of Commons as defined by Cushing, he says : "The same author says that the power is so essential to the free election and independent existence of a legislative assembly that it may be regarded as a necessary incident to every body of that description which emanates directly from the people; and that the Constitutional provisions are out of abundant caution."

In 1846, while a bill relating to the appointment of delegates to the Convention, which had been provided for in the previous year, was pending before the Legislature, the Assembly referred the proposed act to the justices of the Supreme Court, requesting them to communicate forthwith to the house whether in their opinion the delegates to be chosen to the Convention should be selected according to the old apportionment or the new. The court, consisting of Judges Bronson, Beardsley and Jewett, in the course of their opinion, rendered in response to the legislative request, used the following significant language:

"The Legislature is not supreme. It is only a part of that absolute sovereignty which resides in the whole people. Like other departments of the government, it acts under a delegation of powers, and cannot rightfully go beyond the limits which have been assigned to it. This delegation of powers has been made by the fundamental law, which no one department of the government, nor all the departments united have authority to change. That can only be done by the people themselves. A power has been given to the Legislature to propose amendments to the Constitution, which, when approved and ratified by the people, became a part of the fundamental law. But no power has been delegated to the Legislature to call a Convention to revise the Constitution. That is a measure which must come from, and be the act of, the people themselves. Neither the calling of a Convention nor the Convention itself is a proceeding under the Constitution. It is above and beyond the Constitution. Instead of acting under the forms and within the limits prescribed by that instrument, the very business of a Convention is to change those forms and boundaries as the public interest may seem to require. A Convention is not a government measure, but a movement of the people, having for its object a change, either in whole or in part, of the existing form of government."

"As the whole people have not only omitted to confer any power on the Legislature to call a Convention, but have also prescribed another mode of amending the organic law, we are unable to see that the act of 1845 had any obligatory force at the time of its enactment. It could operate by way of advice, or recommendation, and not as law. It amounted to nothing more than a proposition or suggestion to the people to decide whether they would or would not have a Convention. That question the people have settled in the affirmative, and the law derives its obligation from that act and not from the power of the Legislature to pass it."

"The people have not only decided in favor of a Convention, but they have determined that it shall be held in accordance with the provisions of the act of 1845. No other proposition was before them, and, of course, their votes could have had reference to nothing else. They have decided on the time and manner of electing delegates and how they shall be apportioned among the several counties."

"If the act of the last session is not a law of the Legislature but a law made by the people themselves, the conclusion is obvious that the Legislature cannot annul it, nor make any substantial change in its provision. If the Legislature can alter the rule of representation, it can repeal the law altogether, and thus defeat a measure which has been willed by a higher power."

"A change in the fundamental law, when not made in the form which the law has prescribed, must always be a work of the utmost delicacy. Under any other form of government than our own, it could amount to nothing less than a revolution. The greatest care should, therefore, be taken that nothing be done which can give rise to doubts or difficulties in the choice of delegates, or the harmonious organization and action of the Convention. A controversy about the number of delegates to which any county is entitled may lead to irregular and disorderly proceedings at the election, and an imperfect expression of the will of the electors in the choice of delegates. It may embarrass the inspectors of elections and the canvassers of votes. It may also tend to disorder in the Convention where the question must finally be settled, who are and who are not members of the body."

This language is the more significant in view of the fact that neither the act of 1845 nor the act of 1846 contained a provision similar to that found in the act of 1893, conferring upon the Convention the power to adjudge the qualifications and election of its members.

That a body of this character must, *ex necessitate*, be invested with quasi-judicial powers with respect to its organization and the conduct of its business, although there is no express grant of power in the Constitution, becomes further evident from the numerous adjudications recognizing the right of legislative bodies to expel their members, and to punish for contempt, not only those who are constituents of the body exercising the power, but also strangers who may be guilty of disorderly conduct, recusant witnesses, and others who perform acts tending to obstruct its proceedings.

In *Hiss v. Bartlett* (3 Gray, Mass., 473), Chief Justice Shaw said, in a case involving the right of the Legislature to expel one of its members:

"There is nothing to show that the framers of the Constitution intended to withhold this power. It may have been given expressly in other States, either *ex majori cautela*, or for the purpose of limiting it by requiring a vote of more than a majority."

"It is suggested that the true remedy is by impeachment. But that form of proceeding has never been applied to members of the Legislature; and would be slow, laborious and expensive, and inadequate to the object sought to be attained. Impeachment lies only for purpose of punishment, by deprivation of office, and disqualification to hold office, leaving the offender still liable to indictment, if the offense be indictable."

"The power of expulsion is a necessary and incidental power, to enable the house to perform its high functions and it is necessary to the safety of the State. It is a power of protection. A member may be physically, mentally or morally, wholly unfit; he may be afflicted with a contagious disease, or insane, or noisy, violent and disorderly, or in the habit of using profane, obscene or abusive language. It is necessary to put extreme cases to test a principle. If the power exists, the house may necessarily be the sole judge of the exigency which may justify and require its exercise. As to the law and custom of Parliament, the authorities cited clearly show that the jurisdiction to commit and also to expel, has long been recognized, not only in Parliament, but in the courts of law, for the purpose of protection and punishment."

"But there is another consideration, which seems to render it proper to look into the law and practice of Parliament, to some extent. I am strongly inclined to believe, as above intimated, that the power to commit and to expel its members was not given to the house and senate respectively, because it was regarded as inherent, incidental and necessary, and must exist in every aggregate and deliberative body, in order to the exercise of its functions, and because without it such a body would be powerless to accomplish the purposes of its Constitution; and therefore any attempt to express or define it would impair rather than strengthen it. This being so, the practice and usage of other legislative bodies, exercising the same functions, under similar exigencies; and the reasons and grounds, existing in the nature of things upon which their rules and practice have been founded, may serve as an example and as some guide to the adoption of

good rules, when the exigencies arise under our Constitution. But independently of parliamentary custom and usages, our legislative houses have the power to protect themselves, by the punishment and expulsion of a member."

In *People ex rel. McDonald v. Keeler* (99 N. Y., 436), the power of the Senate to punish a witness summoned before an investigating committee was involved. The proceedings were instituted under the provisions of the Revised Statutes, which were, however, claimed to be unconstitutional in that they permitted the Senate to exercise a power judicial in its nature, and that the Constitution, being silent on the subject, intended to withhold from the Legislature the right to exercise such judicial functions. The objection was, however, disapproved by the court, Judge Rapallo, saying :

"At the time of their enactment, as appears by the note of the revisers, it was assumed that although the State Constitution of 1821 was silent upon the subject of the privileges of the Legislature or of either house, yet that it was not intended to deprive the two houses of the power which the revisers characterized as indispensable, of punishing contempts, which it had then been determined by the Supreme Court of the United States, in the case of *Anderson v. Dunn* (6 Wheat, 204), was possessed by the Houses of Congress by necessary implication, the Constitution of the United States being equally silent upon the subject, and it was deemed proper to provide a legislative definition of those privileges of the houses and their members, the breach of which should be regarded as a contempt. With this view the new provisions were framed. (See note to tit. 2, chap. 7, part 1, R. S.)"

"The Constitution of the United States declares, in terms, that the judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time, order and establish. Although no similar declaration is contained in the Constitution of this State, still it is a recognized principle that in the division of power among the great departments of government, the judicial power has been committed to the judiciary, as the executive power, has been committed to the executive department, and the legislative to the Legislature, and that body has no power to assume the functions of the judiciary to determine controversies among citizens or even to expound its own laws, so as to control the decisions of the

courts in respect to past transactions. (People v. Supervisors, 16, N. Y., 432.) To declare what the law shall be is a legislative power; to declare what it is, or has been, is judicial. (Thompson, J., in Dash v. Van Kleeck, 7 Johns., 498.) But notwithstanding this general division of powers, certain powers in their nature judicial are, by the express terms of the Constitution, vested in the Legislature. The power of impeachment is vested in the Assembly. Each house is made the judge of the qualifications and elections of its own members. The power of removal of certain judicial officers for cause is given by the Constitution to the Senate and Assembly, and involves inquiries judicial in their nature, and by statute certain other officers may be removed by the Senate on recommendation of the Governor. (1 R. S., 125, section 41.) I think it would be going too far to say that every statute is necessarily void which involves action on the part of either house, partaking in any degree of a judicial character, if not expressly authorized by the Constitution. Where the statute relates to the proceedings of the legislative body itself, and is necessary or appropriate to enable it to perform its constitutional functions, I cannot regard it as such an invasion of the province of the judiciary as should bring it within any implied prohibition of the State Constitution. That instrument contains no express provision declaring any of the privileges of the members of either house, except that for any speech or debate in either house, the member shall not be questioned in any other place. Even the privilege of exemption from arrest during the sessions, is not declared. No power to keep order or to punish members or others for disorderly conduct or to expel a member is contained in the State Constitution as it is in the Constitution of the United States. All these matters are in this State left under the regulations of the statutes and there is not even express authority to enact such statutes. (R. S. chap. 7, tit. 2.) The necessity of the powers mentioned is apparent, and is conceded in all the authorities. (See Cooleys' Const. Lim. 133), yet it is equally apparent that statutes upon the subject must authorize some action partaking of a judicial character. If that feature is a fatal objection it annuls all the statutory provisions in which it appears. * * *

"The same principle which renders it the duty of the courts to hold legislative action illegal when it unduly encroaches upon the province of the judiciary, forbids interference by the latter with the action of legislative bodies or the exercise of their

discretion in matters within the range of their constitutional powers."

In *Wilkens v. Willet* (4 Abb. Ct. App. Dec., 601), the court, considering the general power of Congress to subpoena witnesses to testify before it, and to punish disobedience of its process, said:

"That the power exists admits of no doubt whatever. It is a necessary incident to the sovereign power of making laws; and its exercise is often indispensable to the great end of enlightened, judicious and wholesome legislation. The power is rather judicial in its nature, but in a legislative body exists as an auxiliary to the legislative power only. In the earlier history of the country from which our institutions, both of law and legislation, are principally derived, judicial and legislative functions existed in and were exercised by the same body. And when they were afterward separated, and each came to be exercised by a separate tribunal or body, the legislative body necessarily retained a sufficient amount of the judicial power to enable it to investigate fully and to comprehend thoroughly any and every subject upon which the body proposed to act in its legislative capacity. This included the power to subpoena witnesses to give evidence, to compel them to attend and testify, and to punish for disobedience and contempt in refusing to attend, or in refusing to testify upon attendance. The power to punish for disobedience and contempt is a necessary incident to the power to require and compel attendance."

These authorities are an ample refutation of the claim that the judiciary alone has the right to exercise power judicial in its nature, and that it is necessary that in all cases the right should be expressly conferred.

It is equally well settled that where the power is lodged in a legislative body to judge of the elections, returns and qualifications of its own members, such power is exclusive and cannot, by its own consent, or by legislative action, be vested in any other tribunal, or officer and cannot be questioned by the executive or judicial departments of the government. (Opinion of the Justices, 56 N. H., 570; *State v. Gilmore*, 20 Kan., 551; *State v. Tomlinson*, 20 Kan., 692; *People v. Mahaney*, 13 Mich., 481.)

Thus far the question has been considered upon the theory that the Convention, in passing upon the election and qualification of its members, acts in a quasi-judicial capacity. This, however, is by no means conceded. It is merely a power inseparable

arable from, inherent in, and incidental and necessary to, the political powers possessed by the Convention or by any legislative body. Every department of the government and every officer in every department in the performance of his duties must frequently act in a quasi-judicial capacity. Questions of expediency, of public policy, frequently arise which, although they call for the exercise of judgment and discretion, are not proper subjects of judicial cognizance. Controversies often arise with respect to the organization of a Legislature and as to which of several governments of a State, is the constitutional government. None of these can come within the jurisdiction of the courts for judgment or decision, because these bodies are subject to no judicial authority. A political problem arises which can only be determined by public opinion, compromise or a resort to force.

Luther v. Borden, 7 How. (U. S.), 1.

State of Georgia v. Stanton, 6 Wall., 50.

Jones v. United States, 137 U. S., 217.

In re Cooper, 143 U. S.

Kerr v. Trego, 47 Pa. St., 292.

Robertson v. State, 109 Ind., 79.

In the first of these cases Mr. Justice Woodbury, in his dissenting opinion, which, however, on this point, was in entire accord with that of the majority of the court, said:

“Fortunately for our freedom from political excitements in judicial duties, this court can never, with propriety, be called on officially to be the umpire in questions merely political. The adjustment of these things belongs to the people and their political representatives either in the State or the general government.”

So it has been held that the chief executive officer of a State in the exercise of his political or executive powers or the functions which are confided to his discretion by the Constitution is entirely independent of the judiciary, and the latter cannot use its process either to direct or to prohibit the performance of such executive acts or to regulate the manner of their exercise.

Commonwealth v. Denison, 24 How., U. S.

66.

In re Dennett, 32 Maine, 508.

Mauran v. Smith, 8 R. I., 192.

State v. Governor, 25 N. J. (Law), 351.

In the case last cited, Chief Justice Greene said:

"All the powers conferred by the Constitution on the Governor are political powers, all the duties enjoined are political duties. Touching all the powers conferred on the executive, by the Constitution, he is entirely independent of the control of the judiciary, being responsible to the people alone and liable to impeachment for misdemeanor in office.

"While it is the acknowledged duty of courts of justice to exert all their appropriate powers for the redress of a private wrong, it is no less a duty sedulously to guard against any encroachment upon the right or usurpation of the powers of the co-ordinate departments of government in the delicate and complicated machinery of our republican system, it is of the utmost importance that each department of the government should confine itself strictly within the limits prescribed by the Constitution.

"It is obvious that the exercise of the power now invoked, will have a direct and immediate tendency to bring the executive and judicial departments of the government into conflict. It cannot alter the principle that in the present case the Governor assents to the application. We have Mr. Jefferson's authority for saying, that if the Supreme Court had granted a mandamus in the case of *Marbury v. Madison* (1 Cranch, 137), he should have regarded it as trenching on his appropriate sphere of duty; that he had instructed Mr. Madison not to deliver the commission, and that he was prepared, as President of the United States, to maintain his own construction of the Constitution with all the powers of the government against any control that might be attempted by the judiciary, in effecting what he regarded as the rightful powers of the executive and Senate within their peculiar departments. (Jefferson's Works, vol. 4, pp. 75, 317, 372.)"

What is true of the relations between the judicial and the executive departments of the government, is equally true of the relations of the former with the legislative departments. While it is within the undoubted province of the courts to pass upon the constitutionality of acts performed by such bodies, their judicial functions are in suspense until there has been action. To attempt to interfere with the co-ordinate branches of the government so as to prevent them from acting at all, or to prescribe

the methods to be pursued, would be a direct attack upon our political system.

Irrespective of these important considerations there is another reason why the Supreme Court does not possess the right to prohibit the Convention from considering the pending contest. The clause of the Constitution which creates the Constitutional Convention requires the Legislature "to provide by law for the election of delegates to such Convention." This leaves it within the discretion of the Legislature to regulate the method of conducting the election and of determining the result so long as it does not infringe upon the powers properly pertaining to the Convention. In the exercise of this authority the Legislature, in the act of 1893, providing for the election of delegates, declared that the Convention should have the power to judge the elections and qualifications of its members. This was a legitimate exercise of the power conferred upon the Legislature by the Constitution. The election provided for was an election subject to the power of the Convention, to pass upon the qualifications and elections of the persons claiming to be elected.

The provision was, moreover, ratified and adopted by the People in electing delegates to exercise the powers so provided for. The election of delegates under this law was the election of officers to exercise this specific power among others. In the words of Judges Bronson, Beardsley and Jewett, above quoted, "The people have not only decided in favor of a Convention, but they have determined that it shall be held in accordance with the provisions of the act."

LOUIS MARSHALL,
CHARLES H. TRUAX,
ELIHU ROOT,

Sub-Committee.

Mr. Hawley moved to dispense with the reading of the report of the sub-committee.

Mr. President put the question on said motion, and it was determined in the affirmative.

Mr. Root offered a resolution in words following:

Resolved, That the report of the Committee on Judiciary, regarding the writ of prohibition issued by the Supreme Court at the instance of Herman F. Trapper, be and the same hereby is adopted, and that the views of the Convention, as embodied in

that report, be forthwith transmitted by the Secretary of the Convention to the Supreme Court, with a respectful remonstrance against its entertaining jurisdiction.

Mr. Platzek moved to reconsider the vote by which the reading of the report of the sub-committee was dispensed with.

Mr. President put the question on said motion, and it was determined in the negative.

Mr. President put the question on the adoption of the resolution offered by Mr. Root, and it was adopted unanimously.

Mr. President announced the designation of Charles S. Francis as reporter of the Troy Daily Times.

Mr. Kellogg moved that the Convention now adjourn.

Mr. President put the question on said motion, and it was determined in the affirmative.

And, at 11.57, the Convention adjourned.

Tuesday, June 5, 1894.

The Convention met pursuant to adjournment.

Prayer by Rt. Rev. Wm. Croswell Doane.

The Journal of Friday, June first, was read and approved.

Mr. President presented the petition of the New York yearly meeting of the Religious Society of Friends, asking the abolition of the death penalty, which was referred to the Committee on State Prisons and Penitentiaries.

Also, the petition of the same society, asking the prohibition of the liquor traffic.

Referred to the Committee on Legislature, its Powers and Duties.

Mr. Lester presented the petition of 1,246 citizens of Saratoga county, asking that the word "male" be stricken out of the Constitution.

Referred to the Committee on Suffrage.

Mr. President presented a communication in words following:

I hereby resign my position as clerk to committee of the Constitutional Convention.

Monroe, June 2, 1894.

GEO. H. BASSETT.

Mr. President appointed John J. Brown, of the Sixteenth district, in place of Geo. H. Bassett.

Mr. J. I. Green called up the resolution presented by him, in words following:

Resolved, That the district attorneys of each county of this State be requested by the Secretary to forward to this Convention a list of the persons indicted for the commission of crime in their respective counties and now actually confined in the prisons of their respective counties awaiting trial, together with the date of their arrest, indictment, and for what cause they were indicted; also a list of the persons actually confined in the prisons of their respective counties awaiting trial, with the date of their arrest and the cause.

Mr. President put the question on said resolution, and it was determined in the affirmative.

Mr. Hirschberg called up the resolution offered by him, in words following:

Resolved, That the Committee on Printing be directed to cause five hundred (500) copies of the arguments of the respective counsel in the contests in the Thirtieth district made before the Committee on Privileges and Elections, to be printed for the use of the Convention instead of the evidence.

Mr. Hill moved to amend by striking out "500" and inserting in lieu thereof "1,000."

Mr. Hirschberg accepted the amendment.

Mr. President put the question on said resolution, and it was determined in the affirmative.

Mr. Banks offered a resolution in words following:

Resolved, That when a proposed constitutional amendment is introduced, amending existing sections of the Constitution, the new matter shall be underscored, and, when printed, shall be

italicized, and all portions of such sections proposed to be omitted by the amendment shall be included in brackets.

The resolution, giving rise to debate, was tabled under the rule.

Mr. Barrow called up the resolution offered by him in words following:

Resolved, That the Secretary of State be requested to furnish to this Convention, from such data as may be in his possession, as near as may be, the number of manufacturing and business corporations organized under the laws of other States for the purpose of conducting business within this State, during the period of three years last past, together with such information as may be in his possession as to the causes which have led to the organizations of such corporations without the State, and that the said Secretary also report such information as may be in his possession, if any, as to the organization by citizens of this State of corporations under the laws of other States to do business therein, and the reasons which have actuated such organizations to do business in other States rather than under the laws of this State.

Mr. President put the question on said resolution, and it was determined in the affirmative.

Mr. Barrow offered a resolution in words following:

Resolved, That this Convention submit to the people for their approval, as the work and deliberation of this Convention, a revised Constitution, and not amendments only.

The resolution, giving rise to debate, was tabled under the rule.

Mr. Tibbitts offered a resolution in words following:

Resolved, That the Secretary of this Convention be instructed to forward to the chair of constitutional history, at Cornell University, each morning, unbound copies of all its proceedings.

Mr. President put the question on said resolution, and it was determined in the affirmative.

Also, the following:

Resolved, That two bound copies of the Journal, debates and reports of this Convention be distributed to Cornell University, one copy thereof to the general library and one copy to the law library.

The resolution, giving rise to debate, was tabled under the rule.

Mr. I. S. Johnson offered a resolution in words following:

Resolved, That the Secretary be requested to procure, have printed and placed on the files of the members, a copy of the contract entered into by State officers with The Argus Company for the printing of the proceedings, etc., of the Convention.

The resolution, giving rise to debate, was tabled under the rule.

Mr. Alvord asked and obtained leave of absence from the sessions of to-morrow and Thursday.

141.—Mr. Sandford presented a proposed amendment to article 1, section 7 of the Constitution, concerning the compensation to be made for private property taken for public use, which was referred to the Committee on Preamble.

142.—By Mr. C. H. Truax:

Proposing amendment to article 13, section 2 of the Constitution, relating to Constitutional Conventions.

Referred to the Committee on Constitutional Amendments.

143.—By Mr. Dickey:

Proposing amendment to article 2, section 1 of the Constitution, providing that twenty years shall be the voting age.

Referred to the Committee on Suffrage.

144.—By Mr. Danforth:

Proposing amendment to article 13, section 2 of the Constitution, relative to the powers of Constitutional Conventions.

Referred to the Committee on Constitutional Amendments.

145.—By Mr. Roche:

Proposing amendment to article 1, section 3 of the Constitution, relating to religious liberty.

Referred to the Committee on Preamble.

146.—Also, proposing amendment to article 3, section 13 of the Constitution, relating to the passage of legislative bills.

Referred to the Committee on Legislature, its Powers and Duties.

147.—By Mr. Rogers:

Proposing amendment to article 3, section 18 of the Constitution, increasing or decreasing the official term of elective officers.

Referred to the Committee on Legislature, its Powers and Duties.

148.—By Mr. Banks:

Proposing amendment to the Constitution, relative to the debt limitation of cities.

Referred to the Committee on Cities.

149.—By Mr. Goodelle:

Proposing amendment to article 3, section 10 of the Constitution, inhibiting the Legislature from judging the qualifications of its own members.

Referred to the Committee on Legislature, its Powers and Duties.

150.—Also, proposing amendment to article 2, section 1 of the Constitution, relative to the qualifications of voters.

Referred to the Committee on Suffrage.

151.—By Mr. Alvord:

Proposing amendment to article 4, section 9 of the Constitution, relative to bills presented to the Governor for his signature.

Referred to the Committee on Legislature, its Powers and Duties.

152.—By Mr. Hawley (by request):

Proposing amendment to article 4, section 5 of the Constitution, relative to the pardoning power.

Referred to the Committee on Governor and State Officers.

153.—Also (by request), proposing amendment to article 3 of the Constitution, by adding a section relative to legislative powers and duties.

Referred to the Committee on Legislature, its Powers and Duties.

154.—Also (by request), proposing amendment to article 3, sections 16 and 23 of the Constitution, relative to the advertisement of local or private bills in official papers before their introduction.

Referred to the Committee on Legislature, its Powers and Duties.

155.—Also (by request), proposing amendment to article 3, section 13 of the Constitution, relative to the houses in which bills may originate.

Referred to the Committee on Legislature, its Powers and Duties.

156.—By Mr. Doty:

Proposing amendment to article 8, section 10, relative to giving or loaning the credit of the State, and to abolish section 9 of article 7.

Referred to the Committee on State Finances and Taxation.

157.—By Mr. I. S. Johnson:

Proposing amendment to article 2, section 2 of the Constitution, relative to bribery at elections, caucuses or conventions.

Referred to the Committee on Judiciary

158.—Also, proposing amendment to article 12, section 1 of the Constitution, relative to oaths of office.

Referred to the Committee on Judiciary.

Mr. Root moved that the resolution presented by Mr. J. I. Green be referred to the Committee on State Prisons and Penitentiaries.

Mr. President put the question on said motion, and it was determined in the affirmative.

On motion of Mr. Hamlin the consideration of the report of the Committee on Printing was postponed until to-morrow.

Mr. President announced that he had received from Mrs. John V. L. Pruyn a very cordial invitation for the members of the Convention to meet and dine with the Chancellor and Vice-Chancellor, together with the Board of Regents of the University, at her residence on Elk street, at nine o'clock this evening.

Mr. Root offered a resolution in words following:

Resolved, That the invitation of Mrs. Pruyn to meet the Chancellor, Vice-Chancellor and Regents of the University be accepted, with thanks.

Mr. President put the question on said resolution, and it was determined in the affirmative.

On motion of Mr. McClure, at 11.55, the Convention adjourned.

Wednesday, June 6, 1894.

The Convention met pursuant to adjournment.

Prayer by Rev. Father Malone.

The Journal of Tuesday, June fifth, was read and approved.

Mr. President presented the memorial of the American Patriotic League against appropriations for sectarian purposes, which was referred to the Committee on Charities.

Mr. Pool presented the petition of the Board of Trustees of North Tonawanda, in favor of female suffrage.

Referred to the Committee on Suffrage.

Mr. Durfee presented the petition and memorial of citizens of Wayne county against appropriations for sectarian purposes.

Referred to the Committee on Charities.

Mr. Foote presented the petition of the Woman's Indian Association, of Rochester, relating to Indian education.

Referred to the Committee on Indians.

Mr. Cookinham presented the memorial and petition of citizens of Utica against the appropriation of public moneys for sectarian purposes.

Referred to the Committee on Charities.

Mr. E. R. Brown presented the petition of 3,349 citizens of Jefferson county, asking that the word "male" be stricken from the Constitution.

Referred to the Committee on Suffrage.

Mr. R. M. Johnston offered a resolution in words following:

Resolved, That the Secretary of this Convention be and he is hereby directed to communicate with the Governor of the State, and the mayors of the different cities thereof, for the purpose of ascertaining to what extent civil service reform prevails in appointments to office under the State government and the government of the municipalities thereof, respectively; how long in force; the manner of its execution; the appropriations for, and the expense of its maintenance for each year; also the nature and extent of the benefits, if any, derived by the State and cities through its enforcement, and particularly any special benefits, as distinguished from those accruing prior to the enactment of the Civil Service Reform Law. That upon the receipt of such information by the Secretary, he shall communicate the same to this Convention.

Referred to the Committee on Cities.

Mr. Hottenroth offered a resolution in words following:

Resolved, That the Secretary of this Convention communicate with the Secretary of State, with the mayors of cities, and also with such other persons as the Committee on Railroads shall designate, to obtain:

1. A list of railroads and elevated and street surface railways in this State for the construction and operation of which franchises have been granted, but which have not been constructed; or, if partly constructed, the extent of such construction.

2. A list of railroads and elevated and street surface railways in this State for the construction and operation of which franchises have been granted, and which have been constructed, but which are not operated, or, if partly operated, the portions operated.

And also the location of the routes, the dates of the granting of the franchises, by who granted, and whether the corporations controlling them were organized under general laws or special statutes.

Referred to the Committee on Railroads.

Mr. Banks called up the resolution offered by him in words following:

Resolved, That when a proposed constitutional amendment is introduced amending existing sections of the Constitution, the

new matter shall be underscored, and, when printed, shall be italicized, and all portions of such sections proposed to be omitted by the amendment shall be included in brackets.

Mr. Kerwin moved to amend as follows: Add after the word "bracket," "and if a committee recommend striking out certain words," in which case they shall be printed stricken through.

Mr. Banks accepted the amendment.

Mr. Durfee moved that said resolution be referred to the Committee on Printing.

Mr. President put the question on said motion, and it was determined in the affirmative.

Mr. Tibbetts called up the resolution offered by him in words following:

Resolved, That two bound copies of the Journal, debates and reports of this Convention be distributed to Cornell University, one copy thereof to the general library and one copy to the law library.

Mr. Kellogg moved to amend by inserting after words "Cornell University" the words "and to all the normal schools in the State."

Mr. McDonough moved to add the words "also to all incorporated colleges."

Mr. McMillan moved to lay the resolution on the table.

Mr. President put the question on said motion, and it was determined in the affirmative.

Mr. Lincoln called up the resolution offered by him in words following:

Whereas, Sixteen States, to wit, Alabama, Arkansas, Colorado, Florida, Indiana, Kansas, Louisiana, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Oregon, South Dakota, Texas and Wisconsin, by their Constitutions, grant the right of suffrage to aliens who have filed a declaration of their intention to become citizens, but who have not been naturalized, thus permitting persons to participate in the government of this country who are subjects of a foreign power, and who owe no allegiance to the State nor to the United States, thereby giving rise to occasions

when the votes of aliens may change the course of government; therefore,

Resolved, That it is the sense of this Convention that such grant of suffrage is contrary to the spirit of American institutions; that the right of suffrage ought to be uniform throughout the Union, and that no person ought to be permitted to vote who is not a citizen of the United States.

Resolved, That we hereby respectfully request Congress to recommend and submit to the several States, for their consideration, a proposed amendment to the National Constitution, requiring all voters to be citizens, and prohibiting any State from granting the right of suffrage to any person who is not a citizen of the United States.

Resolved, That the Secretary of this Convention immediately transmit a copy of these resolutions to the President of the Senate of the United States and also to the Speaker of the House of Representatives.

Resolved, That we hereby respectfully request the Senators and members of Congress from this State to urge the adoption by Congress of a concurrent resolution, providing for the submission of the proposed amendment.

Mr. Dickey moved to refer said resolution to the Committee on Suffrage.

Mr. Deady moved to lay said resolution on the table.

Mr. President put the question on the motion of Mr. Deady, and it was determined in the negative.

Mr. President put the question on the motion of Mr. Dickey, and it was determined in the affirmative.

159.—Mr. Jenks presented a proposed amendment to article 2, section 3 of the Constitution, relative to right to vote of inmates of soldiers and sailors' homes.

Referred to the Committee on Suffrage.

160.—By Mr. Lauterbach:

Proposing amendment to article 3 of the Constitution, relating to the method of enactment of laws by the Legislature.

Referred to the Committee on Legislature, its Powers and Duties.

161.—By Mr. Arnold:

Proposing amendment to article 4, section 5 of the Constitution, creating a board of pardon, consisting of the Governor and three retired justices of the Supreme Court.

Referred to the Committee on Governor and State Officers.

162.—By Mr. A. B. Steele:

Proposing amendment to article 6, sections 15 to 18 of the Constitution, relating to County, Surrogates and Justices' Courts.

Referred to the Committee on Judiciary.

163.—By Mr. E. R. Brown:

Proposing amendment to article 6, section 9 of the Constitution, relative to the appointment of Supreme Court justices to fill vacancies.

Referred to the Committee on Judiciary.

164.—By Mr. Marshall:

Proposing amendment to article 6 of the Constitution, relating to the judiciary and embodying the recommendations of the Constitutional Commission of 1890.

Referred to the Committee on Judiciary.

165.—By Mr. H. A. Clark:

Proposing amendment to article 3, section 5 of the Constitution, relative to the powers of the Legislature in the division and organization of new towns and counties.

Referred to the Committee on Legislature, its Powers and Duties.

166.—By Mr. Hawley:

Proposing amendment to article 6, section 15 of the Constitution, relative to Courts of Sessions.

Referred to the Committee on Judiciary.

167.—Also, proposing amendment to article 1, section 17 of the Constitution, relative to the appointment of commissioners to codify the laws of the State.

Referred to the Committee on Judiciary.

168.—By Mr. Doty:

Proposing amendment to article 8, section 11 of the Constitution, relative to the giving or loaning of money or credit by counties, cities, towns or villages.

Referred to the Committee on Cities; also to Committee on County, Town and Village Government.

169.—Also, Proposing amendment to article 8, section 1 of the Constitution, relative to the creation of corporations.

Referred to the Committee on Corporations.

170 — By Mr. Woodward:

Proposing amendment to the preamble and bill of rights of the Constitution.

Referred to the Committee on Preamble.

171.—By Mr. Lincoln:

Proposing amendment to article 6 of the Constitution, relating to Surrogates' Courts.

Referred to the Committee on Judiciary.

172.—Also, proposing amendment to article 6, section 15 of the Constitution, relative to County Courts.

Referred to the Committee on Judiciary.

Mr. Root, from the Judiciary Committee, reported as follows:

The Judiciary Committee recommends the adoption of the following resolution:

Resolved, That the Secretary of State be requested to furnish to the Convention all printed and written information as to the condition of litigation and business of courts, which was laid before the Judiciary Commission of 1890, and also that each county clerk and each clerk of a court of record, be called upon for a copy of the last printed calendars of the courts; such information and documents, when received, to be referred and transmitted to the Judiciary Committee.

Mr. President put the question on said resolution, and it was determined in the affirmative.

Mr. Root, from the Committee on Rules, reported as follows:

Add to Rule 61, as printed in Document No. 3, the following:

No constitutional amendment shall be adopted unless by the assent of a majority of all the members elected to the Convention.

Mr. President put the question on the adoption of said report, and it was determined in the affirmative.

Mr. President put the question on the adoption of Rule 61, as amended, and it was determined in the affirmative.

Mr. Vedder, from the Committee on Powers and Duties of the Legislature, to which was referred the overture introduced by Mr. Vedder, introductory No. 73, entitled "Proposed constitutional amendment to amend section fifteen of article three (3) of the Constitution, in relation to the passage of bills," reported in favor of the passage of the same, with some amendments, which report was agreed to and said overture committed to the Committee of the Whole.

Mr. Hamlin called up the report of the Committee on Printing, in words following:

REPORT OF COMMITTEE ON PRINTING.

The Committee on Printing, to whom was referred an inquiry as to the status of printing required by the Convention, and the terms of the contract made therefor, respectfully report:

That the facts, so far as they have been able to ascertain the same, and the provisions of law relating to those facts, are substantially as follows: Section 8, chapter 8 of the Laws of 1893, originally provided:

"It shall be the duty of the Secretary of State, Attorney-General and Comptroller, who shall be in office on the first day of January, eighteen hundred and ninety-four, to cause to be prepared and ready for said Convention, at the commencement of its session, a suitable manual, two copies of which shall be furnished to each member and officer of the said Convention, and the expense of which shall be paid by the Treasurer, upon the warrant of the Comptroller."

• Section 12 of said act also provides that:

"The Comptroller and Secretary of State are hereby authorized and required, in the month of March, eighteen hundred and ninety-

three, to receive proposals and make a contract for all the printing, binding and other supplies necessary for said Convention, and such contracts shall be awarded under the provisions of the legislative law regulating legislative printing, so far as applicable to the supply of the printing, binding and other supplies necessary for said Convention."

Under the powers given by the provisions of law above recited, and in compliance with the requirements of article 4, section 71 of chapter 681, of the Laws of 1892, regulating the printing of session laws. The honorable Secretary of State and Comptroller on the 27th day of November, 1893 (some eight months after the time when they were required to act) published a proposal for printing and binding, and other supplies necessary for the Constitutional Convention, pursuant to chapter 8 of the Laws of 1893, and that they would receive sealed proposals until the 27th day of December, 1893, at eleven o'clock A. M., for furnishing all the printing, binding and other supplies necessary for the Constitutional Convention, provided for by that act. That thereafter the said Secretary of State and Comptroller, on the 30th day of December, 1893 (the last secular day of their official term), awarded the contract for furnishing the said printing, binding and supplies to The Argus Company, a corporation having its chief place of business at Albany, N. Y.

(Copy.)

This agreement made this thirteenth day of December, in the year of our Lord one thousand eight hundred and ninety-three, by and between the People of the State of New York, by Frank Rice, Secretary of State, and Frank Campbell, Comptroller, acting under and by virtue of an act of the Legislature of said State, being chapter 8 of the Laws of 1893, entitled "An act to amend chapter three hundred and ninety-eight of the Laws of eighteen hundred and ninety-two, entitled 'An act to provide for a convention to revise and amend the Constitution,'" passed January 27, 1893, as parties of the first part, and The Argus Company, of the City of Albany, N. Y., party of the second part.

Witnesseth, That whereas the said Secretary of State and Comptroller having, in accordance with the act above referred to,

given and caused to be duly published a notice that they, the said Secretary of State and Comptroller, would receive proposals for the printing and supplies provided for and specified in said act, and the said party of the second part having, in accordance with the provisions of the said act and the terms of the said notice, made and delivered to the said Secretary of State and Comptroller, bids and proposals in writing, to do and perform the public printing and furnish supplies specified in said act, and which notice of said Secretary of State and Comptroller, and said bids and proposals in writing of said party of the second part, as hereto annexed, and which, together with said chapter 8, of the Laws of 1893, it is agreed form a part of this agreement.

And the said printing having been, on the 30th day of December, 1893, duly awarded by said Secretary of State and Comptroller to the said party of the second part in accordance with the provisions of the said chapter 8 of the Laws of 1893, and the terms and specifications of said notice, bids and proposals hereto annexed, and the several covenants and agreements contained therein, under the limitation aforesaid, the party of the second part hereby covenants, promises and agrees to and with the party of the first part, the people of the State of New York, that he, the said party of the second part will, at some suitable place in the city of Albany and State of New York, execute, perform and do with accuracy and dispatch all the printing, and furnish all the supplies provided for in said chapter 8 of the Laws of 1893, and furnish all the paper and supplies, do all the folding, binding, collating, stitching and trimming provided for in the said act, and which may be ordered by the Constitutional Convention to be held under the provisions of said act, and deliver the same at the time and in the manner, and at such place or places as said Convention may direct, and at and for the particular sum or sums and detailed price or prices, and upon the computation and conditions respectively referred to and set forth in said bids, and proposals hereto annexed.

And the party of the first part, the People of the State of New York, agree to pay as the consideration or price for the work agreed so to be done and performed and material furnished by the said party of the second part the sum or sums, price or prices set opposite respective detail items and specifications of said work and

materials aforesaid, to be paid by the Comptroller upon the certificate of the proper officer of the said Convention and upon vouchers in due form, to be rendered to the Comptroller.

But the Comptroller may, in his discretion, make advances for work done and completed to his satisfaction and in all cases after due audit by the Comptroller.

It is expressly understood and agreed that the said party of the first part shall withhold from such payment or payments until the completion of the said work, such (sum) which shall equal, as near as may be, fifteen per cent of such contract-price.

And it is further agreed that each page of documents or journals shall be set in long primer type, and that the pages shall be of the same size and contain the same number of lines as the senate documents and journals of the year 1893.

And it is further understood and agreed that the paper to be used for the documents and journals shall be of the same size and weight and equal in quality to the best used in printing the Senate documents for 1893, and the paper for the bills shall be of the same size and weight and of quality equal to that used for Senate and Assembly bills for 1893, and that the work in all respects as to type or otherwise, shall be executed in the same manner, as the work of said 1893, the lines in each section of the bill to be numbered and with sufficient space between them for interlineations, and that any extra copies of messages, records, reports of documents required by said Convention, shall be bound by the said party of the second part in paper covers in a usual manner, unless otherwise ordered by concurrent resolution, or unless otherwise provided for by said chapter 682 of the Laws of 1892, known as the Legislative Law.

The manual referred to in said chapter 8 of the Laws of 1893, shall be similar in size and style and printed upon the same quality of paper, as the manual printed for the Constitutional Convention of 1868, and it is hereby further expressly understood and agreed that all the printing necessary under the requirements of said act, shall be promptly executed, and should the Convention at any time require any part of the work to be performed in extra haste, the work thus required shall be so done without extra charge therefor, and the usual number of documents required by chapter 682 of the

Laws of 1892, and all extra documents for members, officers and reporters of the Convention, not delivered during the session of the Convention, shall be printed and delivered to the Secretary of State, properly bound when ordered by the Convention to be bound, and in laying out the journals and documents for binding, they shall be so arranged that each volume shall contain not less than one thousand pages, unless with the written consent of Secretary of State and Comptroller, and it is further understood and agreed that this contract includes cartage and delivery of books, blanks and other printed matter and supplies at such places in the city of Albany as the proper officers of the Convention may direct.

And it is further understood and agreed that this agreement shall not be assigned to any person or persons without the written consent of the Secretary of State and Comptroller.

And it is expressly understood and agreed that the Secretary of State and Comptroller shall be at liberty and have the right at any time to revoke, abrogate or annul this contract for failure of non-performance as to any of its provisions on the part of the party of the second part.

In witness whereof, we, the Secretary of State and Comptroller of the State of New York, being the officers described in the statute referred to, having power to award the contract for the printing and supplies specified in said act, at a regular meeting held by us, have hereunto affixed our seals and set our hands, the day and year first above written.

FRANK RICE,

Secretary of State.

FRANK CAMPBELL,

Comptroller.

THE ARGUS COMPANY,

By WM. McM. SPEER,

Treasurer.

In regard to this contract it is to be said that your committee is informed that it was awarded on competitive bids. On the other hand, it apparently is subject to the criticism that it was based on what are known as "unbalanced bids," that is, bids at extremely low prices for printing and binding, of which little was likely to be

required, and very remunerative prices for similar labor and material, of which a large amount was quite sure to be needed. Thus it will be observed that the price for each thousand ems of composition for bills and resolutions is nine cents, while the price for each one thousand ems of composition of the same kind for journals, documents and reports of committees is thirty-nine cents. When it is understood that an average day's work for a competent printer is about six thousand ems, the disproportion is apparent. So it appears that the price for paper, press-work, pressing and folding, stitching and trimming of each four-page forms for 640 copies is only forty-two cents, while for the same material and labor for 719 copies of eight-page forms \$3.95 is the price designated. It will be further noticed that for the debates, or record other than the Journal, the price to be paid is not designated, but "in no case to exceed the lowest value current in Albany and in New York city at the time the said work may be done." At the time this contract was made, it must be remembered that no compilation other than a manual had been authorized, and of course the contract does not in terms apply to printing other than that required by the act of 1893, unless the stipulation "to execute, perform and do with accuracy and dispatch all the printing and furnish all the supplies provided for in said chapter 8 of the Laws of 1893, and furnish all the printing and supplies and do all the folding, binding, collating, stitching and trimming provided for in said act, and which may be ordered by the Constitutional Convention," is construed to cover this additional matter. Your committee further report that, subsequent to the execution of the above-mentioned contract, and on the 30th day of March, 1894, section 8, chapter 8, Laws of 1893, was materially amended whereby the office of compiler was created and that officer apparently endowed with very extensive authority over the action of this Convention in reference to its printing and other supplies.

The provision of the amended law, so far as it affected the preparation and publication of the preliminary compilations of this Convention, is as follows :

"It shall be the duty of the Secretary of State, Attorney-General and Comptroller, who shall be in office on the 1st day of January,

1894, to appoint a compiler who shall cause to be prepared and ready for said Convention, at the commencement of its session, a suitable manual, two copies of which shall be furnished to members or officers of said Convention, and also suitable compilations for reference, to be supplied in the same numbers as said manual, as early in the session of the said Convention as possible, and the expense of the said manual and compilations shall be audited by said State officers and paid from the sum now appropriated for the expense of said Convention by the Treasurer upon the warrant of the Comptroller. The compiler of said manual shall have full charge, direction and authority of the indexing, publication, printing and binding of said manual and compilations for reference."

Under the mandate of this amendment, George A. Glynn was, on the 5th day of April, 1894, appointed by the proper authorities to the office of compiler, as appears by his certificate dated in the office of the Secretary of State on that day, and at once took upon himself the duties and burdens of his office.

It will be noticed that the original act only provided for the preparation of a *manual*, while the amended act included as well "suitable compilations for reference" without further limitation or definition.

Under the apparent authority there conferred your committee are informed by the compiler that he has prepared, printed and published, or is about to publish, under the contract with The Argus Company, the following octave volumes, bound uniformly in half Morocco and of the character and size herein indicated, viz.:

Delegates' Diary.....	171 pages.
Delegates' pictures and sketches (estimated)	300 pages.
Secretary's Manual.....	447 pages.
Constitutions of other States of the Union (2 vols.)..	2, 621 pages.
New York State Constitution annotated (estimated).	750 pages.
Constitutions of South American and Continental States (estimated).....	650 pages.
Statistics (estimated)	1,100 pages.

Of these eight volumes, containing in the aggregate some 6,000 pages, four volumes are ready for delivery, three others will be finished within a week; and the remaining volume, that relating to statistics, owing to the difficulty in securing prompt responses to inquiries for information, will be delayed for about three weeks, as your committee is advised by the compiler. That the number of each series ordered thus far is understood to be seven hundred and nineteen copies.

Your committee further reports that the aggregate approximate cost of these volumes, as estimated by The Argus Company, is seventeen thousand dollars, exclusive of the expenses of compiling the same. That your committee have no satisfactory means of verifying this estimate except by a comparison with the items of a bill heretofore rendered to the compiler by The Argus Company for the Delegate's Diary and the Secretary's Manual, which volumes are now in the hands of the delegates; the following is a copy of such account:

STATE OF NEW YORK.

To the Argus Company, Dr.:

Delegate's Diary.

To 188,602 ems plain comp., at 39 cts. \$73 55

To 98,532 ems R. and F. comp., at 78 cts. 76 85

Interleaving with linen ruled.

To writing paper. 164 50

To paper, press-work, etc., 22 signatures, at

\$3.95. 86 90

To inserting blank pages. 12 00

To changing title pages. 20 00

To binding in half Morocco, with title coat of arms, and names separately stamped in gold, full series of extra fine copies for delegates and officials. 970 65

————— \$1,404 45

Secretary's Manual.

To 627,792 ems plain comp., at 39 cts.....	\$244 83
To 133,722 ems R. and F. comp., at 78 cts....	104 30
To paper, press-work, etc., 56 signatures, at \$3.95	221 20
To frontispiece of Capitol on cut paper.....	45 00
To inserting blank pages	12 00
To blue leaves inserted by hand.....	31 55
To interleaving with writing paper	15 80
To inserting two erratas.....	14 00
To composition, printing and tipping in new title pages and pages 5, 6, 11 and 419	68 25
To binding in half Morocco, with title and coat of arms, and names separately stamped in gold, full series of extra fine copies for delegates and officials.....	970 65
	<hr/> \$1,725 58
	<hr/> \$3,132 03
	<hr/> <hr/>

Taking into consideration the charges in the above account in connection with the cost of engraving contracted for by the compiler, your committee is of the opinion that the aggregate expense of the eight volumes ordered will be not less than \$20,000 and not more than \$25,000, not including, however, the cost of compilation. For the purpose of comparison your committee further reports that the total cost of the printing and binding the manual and volume of tabulated statistics, ordered by the Constitutional Convention of 1867, was \$6,638.12. That the manual referred to was an octavo volume of 586 pages containing the Constitution of the then thirty-seven States of the Union. That the statistical volume contained 462 pages and was largely made up of what is called in The Argus Company's abstract "rule and figure composition," which is of about twice the expense of ordinary printing.

Your committee further reports that by a further clause of the Amendatory Act, before alluded to, it was provided that: "Said compiler shall further have full charge to direct and to authorize, and at times to be fixed by said Convention and in conformity

with the contract heretofore entered into by the Comptroller and Secretary of State on behalf of the State, the indexing, publication, printing and binding of the documents, proceedings, Journal and other printing and publications of said Convention, during and after the close thereof, and the expense thereof shall be certified by him to the Comptroller, and after being audited by the Comptroller shall be paid out of any moneys appropriated for the Convention, said compiler and the present deputy appointed by him shall hold office until the above-described work is completed."

On the fifth day of April, eighteen hundred and ninety-four, the compiler, claiming to act under the authority of the statute, entered into a contract with the Albany Evening Journal, and also with The Argus Company, each being corporations, publishing daily newspapers at Albany, N. Y., for the publication daily (excepting Sundays) of a verbatim report of the proceedings of this Convention, that the rates stipulated were in substance the statutory rates for legal printing, that is to say, seventy-five cents per folio of one hundred words. The following is a copy of one of said contracts, the two being similar in terms :

Memorandum of an agreement, made this 5th day of April 1894, between George A. Glynn, compiler of the manual of the Constitutional Convention of the State of New York, of the first part, and the Journal Company, a corporation publishing an evening paper in the City of Albany, of the second part.

Whereas, The party of the first part has been by law, given full charge, direction and authority, to direct and to authorize, upon conditions to be fixed by said Convention, the publication and printing of the documents, proceedings, journals and other printing and publications of said Convention, during and after the close thereof :

Now, therefore, the said party of the first part, in pursuance of the power and authority vested in him by law, as aforesaid, do direct and authorize the said party of the second part, to print and publish daily (except Sundays) in its said newspaper, a full report of the proceedings and debates of said Convention, upon conditions to be fixed by said Convention, at the rates now fixed by law for the publication of legal notices in the State paper.

And the said party of the second part, in consideration of the said designation, direction and authority, hereby agrees to print and publish in its said newspaper daily (except Sunday), upon conditions to be fixed by said Convention, a full report of said proceedings and debates, as the same may be furnished to it at the rates above mentioned.

In witness whereof, the parties hereto above mentioned, have hereunto set their hands and seals, the said the Journal Company, its corporate seal, by William Barnes, Jr., its president, the day and year first above written.

GEORGE A. GLYNN,

Compiler of the Manual and Proceedings of the Constitutional Convention of the State of New York.

THE JOURNAL COMPANY,

By WILLIAM BARNES, JR.,

President.

Signed, sealed and delivered in presence of

M. V. DOLAN.

ALBANY, *December 27, 1893.*

To the Honorable Secretary of State and the Comptroller :

The Argus Company, a domestic corporation with its principal place of business at the south-west corner of Broadway and Beaver street, in the city of Albany, propose to do all the public and Constitutional Convention printing and binding, and all the work connected therewith, and to furnish all stationery and all other supplies which may be required for the State of New York, at the prices and on the conditions herein named, and agree to comply fully with the requirements of law relating to the public or Constitutional Convention printing, and in quantity, quality and manner set forth, described and provided in the advertisement or notice calling for proposals for said printing, namely :

For each thousand ems of composition for bills.....	\$0 09
And for paper, press-work, pressing, folding, stitching and trimming of each four pages for 640 copies.....	42
For each additional 100 copies thereof, for paper, press-work, pressing, folding, stitching and trimming for each signature of four pages, when ordered by statute.....	40

For each 1,000 ems of composition of resolutions.....	\$0 09
And for paper, press-work, printing, folding, stitching and trimming, of each four pages for 640 copies	42
And for each additional 100 copies thereof, for paper, press-work, pressing, folding, stitching and trimming, and for each signature of four pages when ordered by statute.....	40

Journals, documents, messages from the Governor, reports of standing or select committees, and the testimony taken before such committees when ordered to be printed, and reports and communications made in pursuance of the law, or of a resolution of the Convention at the prices following:

For one thousand ems of plain matter..	\$0 39
For each thousand ems of ruled or rule and figure composition.....	78
For the paper, press-work, pressing, folding, stitching and trimming, of each signature of eight pages, for 719 copies.....	\$3 95
And for the paper, press-work, pressing, folding, stitching and trimming of each additional 100 copies of journals or documents, for each signature of eight pages.....	80

When extra copies of messages from the Governor, reports of standing or select committees, reports and communications made in pursuance of the law, or of a resolution of the Convention, are ordered by statute to be printed and bound, the price for binding to be as follows:

For binding in paper covers, extra copies of reports ordered as above set forth, per copy.....	\$0 00 $\frac{1}{4}$
For binding in cloth extra copies of reports, ordered as above set forth, per copy.....	18

And for engraving on stone, steel or wood, and printing maps plans and illustrations including cutting, folding and pasting the same, and for stationery and supplies, and for binding, except as specified above, and for any further work, and including the printing of the dates or a daily report or record other than the Journal, the price to be paid shall in no case exceed the lowest rate current

for work of the desired quality in Albany and New York city at the time the said work may be done.

THE ARGUS COMPANY,

Per WM. McM. SPEER,

Treasurer.

That in accordance with such arrangement the above-mentioned newspapers have, since the beginning of this Convention, been engaged in publishing a report of its proceedings in their respective issues, that the reports are supplied to such newspapers by the private stenographer employed by the compiler at the rate of twenty cents per folio, that a column of each of said newspapers will contain, on the average, about sixteen folios of printed matter and the debates and proceedings of a day will average at least twelve columns, assuming that the Convention will sit until September fifteenth, a conclusion may be obtained from this data of the approximate cost of this publication to the State, which, in the opinion of your committee, will exceed twenty thousand dollars for both papers. It may be added that the price at which the like service was rendered in the same newspapers to the Convention of 1867, was \$6.50 per column. The only other printing of any considerable amount authorized by the compiler, so far as the same has come to the knowledge of your committee, is the verbatim report of your proceedings daily placed on the files of the delegates. The cost of this printing is governed by that provision of the contract with The Argus Company, which stipulates that the price for printing debates or a daily report shall in no case exceed the lowest rates for work of the desired quality in Albany and in New York city at the time the said work may be done. So far as the Convention itself is concerned, it has authorized very little printing, except that directed by its general rules, which provides for printing the Journal, proposed amendments to the Constitution and the reports of the committees on constitutional revision.

In view of the comments that have already been made in the public press as to the extravagant amount of printing ordered for the use of this Convention, your committee have deemed it advisable

to fully inform the Convention as to the drafts that have been made and likely to be made upon its appropriation for this single item.

They also deem it of the first importance that the people of the State shall fully understand that no responsibility for the present condition of affairs can be fairly charged to the officers or members of this Convention. Those expenditures have been incurred by authority derived directly from the Legislature and exercised independently of this Convention and without reference to its wishes. This attempt to control the powers of this Convention by the Legislative branch of the State government will doubtless receive attention, but is without the province of your committee.

The recommendation of the committee is :

1. That the compiler be required not to authorize or direct any further expenditures for printing or supplies without the order of this Convention or the President or Secretary thereof.

2. That the publication of the proceedings of this Convention in The Argus and the Albany Evening Journal should be discontinued, in case the Convention deems it has authority in the premises.

3. That the future publications of the Convention should be in less expensive binding.

4. That two special stenographic reports of the proceeding and debates of the Convention are unnecessary, and that the official report should be used for all purposes.

F. H. HAMLIN,
Chairman.

On motion of Mr. Hamlin, and by unanimous consent, the report was amended as follows:

On page 9, line 26, strike out the words "and at times," and insert in lieu thereof the words "upon conditions."

Page 13, line 34, strike out the word "fully" and insert in lieu thereof the word "entirely."

Also, to transfer all of page 11, commencing with the word "Albany," on line 11, down to and including the word "Treasurer," on line 34, page 12, to page 5, after word "Treasurer," on line 29.

Mr. Kellogg offered the following resolution:

Resolved, That the report of the Committee on Printing be referred to the Judiciary Committee of this Convention, for its opinion as to whether, under the law by which said contract was made, and the compiler so appointed is doing his work, the Convention has any authority to discontinue work under that contract, or control the compiler in the performance of his duties under the law.

Mr. Hirschberg moved to amend by adding at the end thereof the following:

By Mr. Hirschberg:

That the Judiciary Committee be instructed to report to the Convention Friday, definitely, upon the powers and responsibilities of the Convention on the subject of printing.

Mr. Kellogg accepted the amendment.

Mr. President put the question on said resolution, as amended, and it was determined in the affirmative.

Mr. Hamlin, from the Committee on Printing, reported as follows:

The Committee on Printing, to whom was referred the subject-matter contained in the following resolution, offered by Mr. Becker, viz.:

"Resolved, That the Committee on Printing ascertain and report on the second legislative day of next week the propriety of furnishing a daily report of the proceedings of this Convention to each of the daily newspapers printed in this State, and the estimated expense thereof. And that the committee also report as to the printing and binding of five hundred copies of the debates of the Convention, to be distributed in the manner and to the persons named in Rule 71."

Do hereby respectfully report:

First—That it is the opinion of the committee that to print and send out the Journal as provided for by the foregoing resolution, will cost about two thousand dollars, and that, included with other printed matter therein referred to will cost from six to ten thousand dollars; that in view of that expenditure of

money, this committee does not feel justified in recommending the adoption of that portion of said resolution.

Second—This committee does further report: That the printing of one thousand copies of the verbatim reports of the proceedings and debates be continued, and that five hundred of said one thousand copies be bound in plain, substantial binding, for distribution as provided for and in the same manner as provided by Rule 71, for the distribution of the Journal and reports of committees.

Mr. Becker moved to lay said report on the table.

Mr. President put the question on said motion, and it was determined in the affirmative.

Mr. Becker moved that said report be printed.

Mr. President put the question on said motion, and it was determined in the affirmative.

Mr. President designated the following additional reporters under Rule 2:

Thomas Wallace, Cohoes Evening Dispatch; Harold W. Cole, Albany Evening Post.

On motion of Mr. Hirschberg, at 11.35, the Convention adjourned.

Thursday, June 7, 1894.

The Convention met pursuant to adjournment.

Prayer by Rev. G. M. Heindel.

The Journal of Wednesday, June sixth, was read and approved.

Mr. President presented the petition of many citizens of the State, asking that the selection of State and city officers and employes shall be based upon merit.

Referred to the Committee on Legislature, its Powers and Duties.

Mr. Lester presented the petition of citizens of Saratoga county, asking that certain religious institutions be subject to the inspection of a committee appointed by the Governor.

Referred to the Committee on Charities.

Mr. Wellington presented the petition of the Hamilton Woman's Indian Association, asking for the education of Indians.

Referred to the Committee on the Relations of the State to the Indians.

Mr. Parker presented the petition of the citizens of the State against public appropriations to sectarian institutions.

Referred to the Committee on Charities.

Mr. Holls presented a memorial and petition of the New York East Conference of the M. E. Church, against sectarian appropriations.

Referred to the Committees on Charities and Education.

Also, the memorial and petition of the annual conference of the M. E. Church against sectarian appropriations.

Referred to the Committees on Charities and Education.

Mr. Barhite presented statistics of property assessed to women in the State of New York outside of New York city.

Referred to the Committee on Suffrage.

Mr. President presented a communication from the Secretary of State in response to a resolution of the Convention.

Hon. Joseph H. Choate, President Constitutional Convention, Albany, N. Y.:

Sir.—This office is in receipt of the following resolution of your body:

Resolved, That the Secretary of State be requested to furnish to the Convention all printed and written information as to the condition of litigation and business of courts, which was laid before the Judiciary Commission of 1890.

In response thereto, I have the honor to say that this office contains no printed or written information as to the condition of litigation and business of courts which was laid before the Judiciary Commission of 1890. Through the secretary of that commission, we are informed that all papers and documents were submitted to the Legislature of 1891, and copies of the same were

furnished the State Bar Association, also the Bar Association of the City of New York.

Respectfully yours,

ANDREW DAVIDSON,

Deputy Secretary of State.

Referred to the Committee on Judiciary.

Mr. Andrew Frank offered a resolution in words following:

Resolved, That the chairman of the several standing committees, instead of making verbal announcement of time of meeting of their several committees, be, and are hereby requested, to hand said announcements to the Secretary in writing. The same to be read by him in the regular order of business.

Mr. President put the question on said resolution, and it was determined in the affirmative.

Mr. A. H. Green called up the resolution offered by him in words following:

Resolved, That a committee of five be appointed to consider and report to the Convention what action, if any, is desirable for the Convention to take for improving the method of transferring and dealing with titles to and interest in lands of this State.

Mr. President put the question on said resolution, and it was determined in the affirmative.

Mr. A. H. Green offered a resolution in words following:

Resolved, That it be referred to an appropriate committee to report to the Convention what, if any, amendment should be made to the Constitution to restrain the Legislature from granting to or conferring upon corporations or individuals privileges, rights, or licenses to divert the waters of the upper Niagara river or any portion thereof from their natural channel, and that said committee in their report inform the Convention of their rights and privileges heretofore granted and the particulars and extent thereof and the consideration therefor.

Referred to the Committee on Legislature, its Powers and Duties.

Mr. A. H. Green offered a resolution in words following:

Whereas, Many of the companies owning and operating street railways in the cities of New York and Brooklyn and deriving

therefrom very large profits and advantages, and there is good reason to believe that from want of proper supervision on the part of these companies and of the cities, not only for the accommodations offered by these railways inadequate and far behind the needs of the people, but that there follows a frequent loss of human life; and,

Whereas, The rates of fare charged afford in many instances extravagant profits to the companies, owing to the franchises of these railways, which are believed to be in excess of those of cities of less magnitude, and in the interests of the people ought to be reduced, and can be reduced, and yet leave to these companies largely remunerative returns for their outlay; and,

Whereas, The avails from the franchises to operate railways in said cities, and for other objects, would, if they were properly disposed of, very greatly reduce the burden of taxation,

Therefore, To enable the Convention to devise just and proper measures to effect a reformation of the abuses and insufficiencies, if any, of the street railway service in the said cities, it is

Resolved, That the mayors of the cities of New York and Brooklyn be requested to communicate to this Convention a statement, showing the names of all the companies owning, or claiming to own, or operating surface or elevated railways in said cities;

The amount of the capital stock of said companies, respectively.

The amount of bonds issued by said companies, respectively.

The cost of said railways, respectively.

The line and route operated by these railways, respectively.

The amount of fees, licenses or percentages paid annually to the said city by each of said companies.

The total amount of such percentages, fees or licenses paid to the city of New York by the Metropolitan Traction Company.

The names of foreign corporations leasing or operating railways in said cities.

The amount of fees, licenses or percentages due to the said cities, respectively, by said companies, respectively, and the length of time they have remained unpaid.

The amount paid, or agreed to be paid by any of said companies on a change of its motive power.

The present market price of the stock of said companies, respectively.

And whether the rights, privileges or franchises of said companies, respectively, were obtained from the Legislature or from the city authorities.

Referred to the Committee on Cities.

Mr. Parmenter was granted leave of absence for two days.

Mr. I. S. Johnson offered a resolution in words following:

Resolved, That as early as convenient, the Secretary prepare and have printed an index of the proposed amendments introduced, showing in proper columns:

1. The number of the proposed amendment.
2. The section and article of the Constitution amended, if an amendment of any article of the present Constitution; if not, that it be designated "new."
3. The subject of the proposed amendment.
4. The committee to whom referred.

And that he have authority to require the assistance of any of the clerks of this Convention, when not otherwise engaged in official duties.

Mr. President put the question on said resolution, and it was determined in the affirmative.

Mr. Becker asked and obtained leave of absence from to-morrow's session.

Mr. Forbes offered a resolution in words following:

Resolved, That the announcement of committee meetings made by the Secretary be reduced to writing and posted by him in front of his desk.

Mr. President put the question on said resolution, and it was determined in the affirmative.

173.—Mr. Tucker presented a proposed amendment to article 7 of the Constitution, prohibiting the creation of an interest-bearing debt by the State.

Referred to Committee on State Finances and Taxation.

174.—By Mr. Deyo:

Proposing amendment to the judiciary article of the Constitution, relative to appeals to the Court of Appeals.

Referred to Committee on Judiciary.

175.—By Mr. Wiggins:

Proposing amendment to the Constitution to prohibit the election of officers of cities by or in the name of any political party.

Referred to Committee on Cities.

176.—By Mr. Maybee:

Proposing amendment to article 2, section 1 of the Constitution, relating to the qualifications of voters.

Referred to Committee on Suffrage.

177.—By Mr. Roche:

Proposing amendment to the Constitution, by adding an article relative to the distribution of the powers of government.

Referred to the Committee on Preamble.

178.—By Mr. C. B. McLaughlin:

Proposing amendment to article 6, section 13 of the Constitution, relative to the compensation of judges of the Court of Appeals and justices of the Supreme Court.

Referred to Committee on Judiciary.

179.—By Mr. McArthur:

Proposing amendment to article 6, section 15 of the Constitution, relative to County Courts.

Referred to the Committee on Judiciary.

180.—Also, proposing amendment to article 6, section 21 of the Constitution, relative to judges practicing law.

Referred to the Committee on Judiciary.

181.—By Mr. Moore:

Proposing amendment to the Constitution by adding a section to article 2, relating to the qualification of voters.

Referred to Committee on Suffrage.

182.—By Mr. Marshall:

Proposing amendment to the Constitution by substituting for article 6 a new article relating to the judiciary.

Referred to the Committee on Judiciary.

183.—By Mr. Hill:

Proposing amendment to article 2, section 5 of the Constitution, relating to the manner of elections.

Referred to the Committee on Judiciary.

Mr. President announced the following committee called for in the resolution of Mr. A. H. Green, relating to land titles:

Mr. A. H. Green, Mr. Riggs, Mr. Wellington, Mr. Arnold, Mr. Tibbetts.

Mr. McClure offered a resolution in words following:

Resolved, That it is the sense of this body that attendance by members at its sittings, which proper performance of duty requires of them, should be considered by the courts of this State as a sufficient reason for the postponement of the trial of a cause in which such member is an attorney for either party, or counsel employed by either party.

Mr. Cookinham moved to lay the resolution on the table.

Mr. President put the question on said motion, and it was determined in the negative.

Mr. President put the question on said resolution, and it was determined in the negative.

Leave of absence was granted to Mr. McClure and Mr. Holcomb from the session of to-morrow.

On motion of Mr. Root, at 11.08, the Convention adjourned.

Friday, June 8, 1894.

The Convention met pursuant to adjournment.

Prayer by Rev. A. K. Duff.

The Journal of Thursday, June seventh, was read and approved.

Mr. President presented the petitions of many citizens of the State, asking that the selection of State and city officers and employes shall be based upon merit.

Referred to the Committees on Governor and State Officers and Legislature, its Powers and Duties.

Mr. Holls presented the seven petitions of the American Baptist Education Society against sectarian appropriations.

Referred to the Committees on Education and Charities.

Mr. Platzek presented the petition of certain citizens, asking that the selection of State and city officers and employes shall be based upon merit.

Referred to the Committees on Governor and State Officers and Legislature, its Powers and Duties.

Mr. McIntyre presented a petition of citizens of the Twenty-second Senatorial district, asking the prohibition of sectarian appropriations.

Referred to the Committees on Education and Charities.

Mr. Fuller presented a petition from the Twenty-fifth district on the same subject.

Referred to the Committees on Charities and Education.

Mr. Francis presented a petition from the Eighteenth district on the same subject.

Referred to the Committee on Education.

Mr. Lauterbach presented six petitions of citizens of New York and Brooklyn on the same subject.

Referred to the Committees on Charities and Education.

Mr. Jacobs presented the petition of citizens of New York and Brooklyn on the same subject.

Referred to the Committees on Charities and Education.

Mr. McLaughlin presented a petition from the Twenty-first district on the same subject.

Referred to the Committees on Charities and Education.

Mr. Maybee presented a petition from the Seventeenth district on the same subject.

Referred to the Committees on Charities and Education.

Mr. Foote presented a petition from the Twenty-eighth district on the same subject.

Referred to the Committees on Charities and Education.

Mr. Wellington presented a petition from the Twenty-fourth district on the same subject.

Referred to the Committees on Charities and Education.

Mr. Parker presented a petition from the Twenty-ninth district on the same subject.

Referred to the Committees on Charities and Education.

Mr. E. A. Brown presented a petition from the Twentieth district on the same subject.

Referred to the Committees on Charities and Education.

Mr. Cookinham presented a petition from the Twenty-third district on the same subject.

Referred to the Committees on Charities and Education.

Mr. O'Brien presented a petition from Cayuga county on the same subject.

Referred to the Committees on Charities and Education.

Mr. Countryman presented a petition from the Nineteenth district on the same subject.

Referred to the Committees on Charities and Education.

Mr. Dean presented a petition from the Twenty-seventh and Twenty-eighth districts on the same subject.

Referred to the Committees on Charities and Education.

Mr. Hill presented a petition from the Thirtieth and Thirty-first districts on the same subject.

Referred to the Committees on Charities and Education.

Mr. Tibbetts presented a petition from the Twenty-sixth district on the same subject.

Referred to the Committees on Charities and Education.

Mr. Gibney presented a petition from Brooklyn on the same subject.

Referred to the Committees on Charities and Education.

Mr. Durfee presented two petitions of citizens of Walworth on the same subject.

Referred to the Committees on Charities and Education.

Mr. Hedges presented a petition from the Sixteenth district on the same subject.

Referred to the Committees on Charities and Education.

Mr. President presented a petition of citizens of Brooklyn on the same subject.

Referred to the Committees on Charities and Education.

A petition was also presented from the First and Sixth districts on the same subject.

Referred to the Committees on Charities and Education.

Mr. Root moved that the Sergeant-at-Arms be directed to remove from the files Document No. 9, and cause to be placed on the files a copy, correctly printed, as relates to Rule 44, subdivision 6, so that it shall read "6. Postpone indefinitely, not amendable, but debatable."

Mr. Hirschberg moved to substitute the following: "That Document No. 9 be referred to the Committee on Rules to correct, so as to make it conform, in all respects, with the rules as adopted by the Convention, and, when so corrected, to have it reprinted if in the judgment of the committee the corrections are so many as to justify reprinting.

Mr. Root accepted the substitute.

Mr. President put the question on said motion, and it was determined in the affirmative.

Mr. E. A. Brown offered a resolution in words following:

Resolved, That the patriotic and beautiful decorations of this chamber, consisting of a painting of the seal of the Empire State,

surrounded by flags of the United States of America, be allowed to remain, as now, during the entire session of this Convention, and that the Superintendent of Public Buildings be requested by the Secretary to carry this resolution into effect.

Mr. President put the question on said resolution, and it was determined in the affirmative.

Also, the following :

Resolved, That the Comptroller of this State, or other State officer having the custody thereof, furnish to this Convention, for its use and information, a certified copy or certified copies of any contract or contracts, if any, entered into by or on behalf of the State with the compiler of this Convention, for services rendered by him under an act of the Legislature, entitled "An act to amend chapter 398 of the Laws of 1892."

Referred to the Committee on Printing.

Mr. Kellogg offered a resolution in words following:

Resolved, That the Superintendent of Banking be respectfully requested to furnish this Convention, if possible, with the number and location of savings banks or savings institutions in this State; and also the amount of unclaimed deposits in such institutions, together with a detailed statement as to how long any such amount or amounts have remained unclaimed.

Referred to the Committee on Banks.

Mr. Vedder, from the Committee on Legislature, its Power and Duties, offered a resolution in words following:

Resolved, That all proposed amendments to the Constitution, not consisting of additions thereto, shall recite the sections or parts thereof as proposed to be amended in full, and all new matter or amendments shall be underscored and all omissions shall be inclosed in brackets, by the delegate offering a proposed amendment before the same is sent to the Secretary's desk, and that each such proposed amendment shall be proposed in writing and in duplicate.

Mr. President put the question on said resolution, and it was determined in the affirmative.

Mr. President made the announcement that he had received formal notice from the counsel of Messrs. Putnam and Sullivan,

announcing the dismissal, by the Supreme Court in Erie county, of the application for a writ of prohibition against the Convention and its officers, and which notice of counsel is in words following :

June 5, 1894.

Hon. Joseph H. Choate, President of the Constitutional Convention, State Capitol, Albany, N. Y.:

Dear Sir.—I have the honor to inform you that Justice Manly C. Green of the Supreme Court, after hearing a full argument in the matter of the People, ex rel. Herman F. Trapper against the Convention to Revise and Amend the Constitution, Harvey W. Putnam and Thomas A. Sullivan, and also having received the proceedings and report of your judicial committee, has this day made an order denying the application for the writ of prohibition, vacating the proceedings already taken and authorizing the Convention to proceed to the consideration of the matters enjoined by the alternative writ.

While I appreciate the position of the Convention in that it has in no respect recognized the right of the court in any way to make an order affecting it, I deem it proper to notify you of this action, in that it may appear in your minutes as an established precedent and recognition of the rights of similar bodies forever; that at no future time may subsequent Conventions be embarrassed in its deliberations by the consideration of a similar proceeding.

I am, with great respect,

SEWARD A. SIMONS,

Attorney for Harvey W. Putnam and Thomas A. Sullivan.

In connection therewith, Mr. Root offered a resolution in words following:

Resolved, That the Secretary report his action under the order to transmit to the Supreme Court the action and remonstrance of the Convention regarding the writ of prohibition issued at the instance of Herman F. Trapper.

Mr. President put the question on said resolution, and it was determined in the affirmative.

The Secretary then stated that he sent the assistant sergeant-at-arms of the Convention with the report of the Judiciary Com-

mittee and the action of the Convention thereon, to the judge of the Supreme Court at Hudson, N. Y. Judge Edwards was out of town. The sergeant left the communication with the county clerk of Columbia county, and the county clerk of that county had telegraphed him (the Secretary) that he had placed the communication from the Convention in the hands of Judge Edwards.

In further connection therewith, Mr. Root offered a resolution in words following:

Resolved, That the communication of the Secretary to the court, the report of the Secretary, and a duly authenticated copy of the record of the court's action be spread upon the Journal of the Convention.

Mr. President put the question on said resolution, and it was determined in the affirmative.

184.—Mr. E. A. Brown presented a proposed amendment to article 1, section 2 of the Constitution, relating to trials by jury, which was referred to the Committee on Judiciary.

185.—By Mr. E. R. Brown:

Proposing amendment of article 1, section 14 of the Constitution, to prohibit leases of non-agricultural lands for more than twelve years.

Referred to the Committee on Preamble.

186.—By Mr. Roche:

Proposing amendment to article 2, section 4 of the Constitution, to designate courts in which persons may be naturalized.

Referred to the Committee on Suffrage.

187.—By Mr. Kellogg:

Proposing amendment to article 4, section 9 of the Constitution, relative to the passage of bills, and defining the powers of the Legislature.

Referred to the Committee on Legislature, its Powers and Duties.

188.—Also, proposing amendment to article 8, section 4 of the Constitution, relating to unclaimed deposits in savings banks, and defining the powers of the Legislature in relation thereto.

Referred to the Committee on Banking.

Mr. Root, from the Committee on Judiciary, presented the report of that committee, in words following:

To the Convention:

The Committee on Judiciary, in obedience to your resolution of June 6, 1894, calling for an opinion upon the power of the Convention over the Compiler appointed under chapter , of the Laws of 1894, and over the printing and publication of its own journals, documents and proceedings and in respect of the matters contained in the recommendations of the Committee on Printing, reports as follows:

I. That the Legislature has undertaken to authorize the printing of a manual and compilation and of such journals as the Convention may keep, and has authorized a contract for such printing, which was made before the Convention met. In the opinion of the committee the Convention has no concern with these matters and it cannot prevent such printing from being a public charge under the contract of 1893, or make it such a charge.

II. That as to all other printing and publications, in the opinion of the committee, the Convention has sole authority to determine what documents and proceedings shall be printed, published, indexed and bound, and when and how and under what conditions they shall be printed, published, indexed and bound.

III. That the compiler has no authority to order or contract for any such printing, publication, indexing or binding, except under the orders of the Convention.

IV. That the compiler had no authority to contract for the daily publication of the proceedings and debates of the Convention in The Argus and Albany Evening Journal.

V. That the Convention has authority to give effect to all the recommendations contained in the report of the Committee on Printing.

ELIHU ROOT,
Chairman.

June 6, 1894.

In connection therewith, Mr. Root offered a resolution in words following:

Resolved, That the Convention to revise the Constitution and amend the same hereby orders and directs:

First. That the compiler, appointed pursuant to chapter 228 of the Laws of 1894, shall not authorize or direct any indexing, publication, printing or binding of any documents, proceedings, journals or other printing or publications, as documents, proceedings, journals or other printing or publications of this Convention, except such as are required by the rules and orders of the Convention and such as the President or Secretary shall direct to be printed, with the authority of the Convention or of the Committee on Printing.

Second. That the contracts which the compiler assumed to make with The Argus Company and with the Albany Evening Journal, on the 5th day of April, 1894, for the daily publication of a report of the proceedings of the Convention in The Albany Argus and Albany Evening Journal is disapproved, disaffirmed and the compiler is required to forthwith discontinue such publications.

Third. That all future bindings of publications of the Convention be less expensive than those heretofore used; and be first submitted to the Committee on Printing, and approved by them by the compiler, before they are authorized by the compiler.

Fourth. That the reports of the official stenographer of the Convention, and the assistants employed by him, be henceforth the only reports of the proceedings printed under the authority of the Convention or of the compiler.

Also, in connection therewith, Mr. Root offered a resolution in words following:

Resolved, That the Convention to revise the Constitution and amend the same hereby fixes the following conditions under which the printing of its documents, proceedings, journals and other printing and publications shall be directed and authorized by the compiler and shall be done; and hereby directs the time, manner and place of the delivery thereof; that is to say: All such documents, proceedings and journals and other printing or publications copy of which shall be delivered to the printer before four o'clock in the afternoon of any day shall be delivered duly printed, folded, stitched and trimmed, to the Sergeant-at-Arms, or his assistant at the document room of the Convention, between eight and nine o'clock in the forenoon of the next legislative day.

All such documents, proceedings and journals or other printing or publications, copy of which shall be delivered to the printer after four o'clock in the afternoon on any day shall be delivered duly printed, folded, stiched and trimmed, in the same manner and within twenty-four hours after the delivery of such copy to the printer. Extra copies, when called for, shall be delivered in the same manner and at the same place within such further time as shall be designated therefor by the President or Secretary of the Convention, or by the chairman of the Committee on Printing.

Work required to be done in extra haste shall be delivered as specifically directed by the President or Secretary of the Convention, or by the chairman of the Committee on Printing.

Mr. Root moved that the two sets of resolutions, together with the report of the Committee on Judiciary, be printed and referred to the Committee on Printing with instructions to report on Wednesday next.

Mr. President put the question on said resolution, and it was determined in the affirmative.

On motion of Mr. Hill, at 11.24, the Convention adjourned.

Tuesday, June 12, 1894.

The Convention met pursuant to adjournment.

Prayer by Rev. A. K. Duff.

The Journal of Friday, June eighth, was read and approved.

Mr. Barbite offered a resolution in words following:

Whereas, This Convention has learned of the death, after a long and painful illness, of Mrs. Lewis, wife of the Hon. Merton E. Lewis, Delegate from the Twenty-eighth Senatorial district; now, therefore,

Resolved, That we tender to Mr. Lewis, in this hour of sorrow, our heartfelt sympathies; further

Resolved, That the Secretary be directed to send to Mr. Lewis a copy of this resolution.

Mr. President put the question on said resolution, and it was unanimously adopted by a rising vote.

Mr. President presented a number of memorials, asking that officers and employes of the State shall be selected upon merit.

Referred to the Committee on Legislature, its Powers and Duties.

Mr. Carter presented the memorial of the Woman's Christian Temperance Union, of Erie county, asking the extension of female suffrage.

Referred to the Committee on Suffrage.

Mr. Barhite presented a memorial, asking that State employes be selected upon merit.

Referred to the Committee on Legislature, its Powers and Duties.

Mr. McMillan (by request) presented two memorials on the same subject.

Referred to the Committee on Legislature, its Powers and Duties.

Mr. Goodelle presented a memorial on the same subject.

Referred to the Committee on Cities.

Mr. Francis presented four petitions, asking for State inspection of certain religious institutions.

Referred to the Committee on Charities.

Mr. Tucker presented the petition of citizens of New York city, in favor of female suffrage.

Referred to the Committee on Suffrage.

Also, a petition from the National Christian League for the promotion of social purity, on the same subject.

Referred to the Committee on Suffrage.

Mr. W. H. Steele presented a memorial and petition of the Oswego Baptist Association, against sectarian appropriations.

Referred to the Committee on Charities.

Mr. Hedges presented a petition, asking State inspection of certain religious institutions.

Referred to the Committee on Charities.

Mr. Countryman presented the protest of citizens of Albany against female suffrage.

Referred to the Committee on Suffrage.

Mr. Hill presented the petition of citizens of Erie county, in favor of woman suffrage.

Referred to the Committee on Suffrage.

Mr. Blake offered a resolution in words following:

Resolved, That the Secretary of State be and he hereby is directed to report to this Convention, on or before the 25th day of June, 1894, the number of indictments for murder in the first and second degrees found by grand juries of the various counties in this State, from January 1, 1889, to January 1, 1894, and the number of convictions of each degree had upon such indictments, including pleas of murder in the second degree.

Referred to the Committee on Judiciary.

Mr. Gilbert offered a resolution in words following:

Resolved, That the Committee on Legislature, its Powers and Duties be relieved from the consideration of matters relating to the civil service of the State, and that a special committee of eleven be appointed, to which shall be referred all matters relating thereto.

Mr. President put the question on said resolution, and it was determined in the affirmative.

189.—Mr. Herzberg presented a proposed amendment to article 13, section 2 of the Constitution, relative to future Conventions to revise the Constitution.

Referred to the Committee on Constitutional Amendments.

190.—By Mr. Tucker:

Proposing amendment to article 1 of the Constitution, abolishing capital punishment and the pardoning power.

Referred to the Committee on Preamble.

191.—Also, proposed amendment to article 1 of the Constitution, relative to the damages recoverable in civil actions for the loss of human life.

Referred to the Committee on Preamble.

192.—Also, proposed amendment to article 1 of the Constitution, prohibiting imprisonment for debt except in certain cases.

Referred to the Committee on Preamble.

193.—Also, proposed amendment to article 1 of the Constitution, prohibiting a property qualification of voters.

Referred to the Committee on Suffrage.

194.—Also, proposed amendment to article 2 of the Constitution, providing for the submission as a separate proposition to the voters of the question of female suffrage.

Referred to the Committee on Suffrage.

195.—By Mr. Blake:

Proposed amendment to article 1, section 10 of the Constitution, providing that divorce proceedings shall be in open court.

Referred to the Committee on Judiciary.

196.—By Mr. J. I. Green:

Proposed amendment to article 15, subdivision 3 of the Constitution, in reference to the right of counsel in examinations, trials and investigations.

Referred to the Committee on Judiciary.

197.—By Mr. Emmet:

Proposed amendment to article 8 of the Constitution, relating to the use of public moneys for sectarian purposes.

Referred to the Committee on Charities.

198.—By Mr. Roche:

Proposed amendment to article 5, section 3 of the Constitution, relative to the election of a Superintendent of Public Works and the enlarging of the State canals.

Referred to the Committees on Canals and Governor and State Officers.

199.—By Mr. Alvord:

Proposed amendment to article 7, section 6 of the Constitution, in relation to canals.

Referred to the Committee on Canals.

200.—By Mr. C. A. Fuller:

Proposed amendment to article 3, section 16 of the Constitution, relating to restrictions as to private and local bills.

Referred to the Committee on Legislature, its Powers and Duties.

On motion of Mr. Abbott, at 10.54, the Convention adjourned.

Wednesday, June 13, 1894.

The Convention met pursuant to adjournment.

Prayer by Rev. A. T. Johnson.

The Journal of Tuesday, June twelfth, was read and approved.

Mr. President announced the following as the Select Committee on Civil Service, in pursuance of the resolution offered by Mr. J. I. Gilbert, yesterday:

Messrs. Gilbert, Francis, Hedges, Hill, Foote, R. M. Johnston, Lincoln, McCurdy, Countryman, Bigelow, Osborn.

Mr. President presented memorials of many citizens in favor of civil service reform.

Referred to the Select Committee on Civil Service.

Mr. Carter presented a memorial from the New York State Grange asking equal suffrage for woman.

Referred to the Committee on Suffrage.

Mr. Crosby presented the petition of the Franklin Baptist Association of the State, against appropriations for sectarian institutions.

Referred to the Committee on Charities and Finances.

Also, a petition of citizens of Walton, N. Y., asking for State inspection of certain religious institutions.

Referred to the Committee on Charities.

Mr. President presented a communication from the State Comptroller in response to a resolution of the Convention May 23d, requesting a detailed statement of all moneys paid by the State during the past three years by way of direct or indirect appropriations, as salary or otherwise, to institutions not owned by the State or a political division thereof, whether sectarian or not.

Mr. Cady moved that said communication be printed and placed on the files of the members.

Mr. President put the question on said motion, and it was determined in the affirmative.

June 12, 1894.

To the Constitutional Convention:

In conformity with the resolution of your honorable body, passed on the 23d ult., requesting a detailed statement of all moneys paid by the State during the past three years by way of direct or indirect appropriations, as salary or otherwise, to institutions not owned by the State or a political division thereof, whether sectarian or not, I beg leave to submit the following:

We have no record in this office that will show whether the 375 educational institutions participating in the distribution of the literature fund are public or private, or what their denomination may be. That information is probably in the possession of the State Board of Regents. The only other private or corporate institutions which have received money from the State are the following, and the amounts received by each during the past three years are set opposite:

Institution for the Blind, New York City:

1891	\$45,135 00
1892	43,054 57
1893	43,054 27
	<hr/>
	\$131,243 84
	<hr/> <hr/>

Institution for the Improved Instruction of Deaf-Mutes, New York City:

1891	\$25,295 60
1892	25,499 68
1893	27,424 57
	<hr/>
	\$78,219 25
	<hr/> <hr/>

Institution for the Deaf and Dumb, New York City:

1891	\$54,312 00
1892	53,163 57
1893	47,070 01
	<hr/>
	\$154,545 88
	<hr/> <hr/>

Le Couteulx St. Mary's Institution for Deaf Mutes:

1891.....	\$15,912 50
1892.....	14,476 90
1893.....	14,396 20
	<hr/>
	\$44,785 60
	<hr/>

St. Joseph's Institution for Deaf Mutes:

1891.....	\$31,958 47
1892.....	33,238 39
1893.....	35,551 68
	<hr/>
	\$100,748 54
	<hr/>

Western New York Institution for Deaf Mutes:

1891.....	\$24,629 89
1892.....	23,771 31
1893.....	24,737 68
	<hr/>
	\$73,138 88
	<hr/>

It will be noted that these institutions are all for the care and instruction of the deaf and dumb or the blind, and they are paid at the rate of \$250 per annum for each person sent to them by the State.

I find that the per capita cost of maintenance in the Northern New York Institution for the Deaf and Dumb, for the year 1893, was \$356.73; the average for five years in the Central New York Institution for Deaf Mutes was \$397.79; and for the year 1893, in the Institution for the Blind at Batavia, \$311.61.

It may be fair to state that the Central New York Institution for Deaf Mutes, the Northern New York Institution for Deaf Mutes, and the Society for the Reformation of Juvenile Delinquents contend that they are not State institutions, but the State has expended for buildings, furnishings and things other than maintenance the amounts following:

Society for the Reformation of Juvenile Delinquents,	\$510,735 11
Central New York Institution for Deaf Mutes.....	65,299 40
Northern New York Institution for Deaf Mutes....	68,000 00
	<hr/>

For each of the three years last past these institutions have received the following amounts for maintenance at the rate of \$250 per capita per annum:

Central New York Institution for Deaf Mutes:

1891	\$27,314 47
1892	24,285 12
1893	23,893 59
	<hr/>
	\$75,493 18
	<hr/> <hr/>

Northern New York Institution for Deaf Mutes:

1891	\$13,446 98
1892	13,950 59
1893	14,527 75
	<hr/>
	\$41,925 32
	<hr/> <hr/>

Society for the Reformation of Juvenile Delinquents:

1891	\$103,000 00
1892	102,499 96
1893	111,274 04
	<hr/>
	\$316,774 00
	<hr/> <hr/>

I am informed that the Le Conteulx St. Mary's Institution for Deaf Mutes and the St. Joseph's Institution for Deaf Mutes are under the auspices of the Catholic church. All the other institutions, to the best of my knowledge, are not controlled by any sect.

Very respectfully yours,

JAMES A. ROBERTS,
Comptroller.

Mr. President also presented a communication from the Secretary of State, in response to a resolution of the Convention requesting the number of manufacturing and business corporations organized under the laws of other States and conducting business within the State of New York, the causes which have led to the organization of such corporations without the State;

also, information as to the organization by citizens of this State of corporations under the laws of other States.

Mr. Cady moved that said communication be printed and placed on the files of the members.

Mr. President put the question on said motion, and it was determined in the affirmative.

June 12, 1894.

Hon. Charles E. Fitch, Secretary of the Constitutional Convention, Albany, N. Y.:

Dear Sir.—This office is in receipt of the resolution passed by the Convention, in which we are requested to furnish the number of manufacturing and business corporations organized under the laws of other States and conducting business within the State of New York, together with such information as may be in possession of the Secretary of State as to the causes which have led to the organization of such corporations without the State; and further to report such information as may be possible as to the organization by citizens of this State of corporations under the laws of other States to do business therein, and the reasons which have actuated such organizations to do business in other States rather than under the laws of this State.

In compliance with said resolution I have caused an examination to be made of all the papers filed in this office pursuant to sections 15 and 16 of the General Corporation Law, as amended in 1892, and find that 1,045 manufacturing corporations and 1,157 business corporations, organized under the laws of other States, have received from the Secretary of the State of New York licenses to transact business within this State.

I would further respectfully state that this office is not in possession of any information which will disclose the causes which have led to the organization of such corporations in other States; and I would also respectfully report that this office is not possessed of any information, and that the Secretary of State has no official knowledge, as to the organization by citizens of this State, of corporations under the laws of other States to do business therein.

Very respectfully yours,

JOHN PALMER,

Secretary of State.

Mr. Vedder, from the Committee on Powers and Duties of the Legislature, to which was referred the constitutional amendment offered by Mr. Roche, introductory No. 99, entitled "Proposed constitutional amendment to amend article 3, by the addition of a new section prohibiting the legislature or any division of the State, from granting pensions to any civil officers or employes, not, however, including existing police and fire department pension funds," reported in favor of the passage of the same with some amendments, which report was agreed to and said constitutional amendment committed to the Committee of the Whole.

201.—Mr. Blake presented a proposed amendment to article 1, section 5 of the Constitution, providing for the abolition of the death penalty.

Referred to the Committee on States' Prisons.

202 — Also, a proposed amendment to article 4, section 5 of the Constitution, depriving the Governor of the pardoning power after convictions for murder in the first degree.

Referred to the Committee on Governor and State Officers.

203 — By Mr. Abbott :

A proposed amendment to article 4, section 9 of the Constitution, in regard to the presentation of bills to the Governor.

Referred to the Committee on Governor and State Officers.

204 — By Mr. Mereness :

A proposed amendment to article 13, section 2 of the Constitution, relative to Constitutional Conventions.

Referred to the Committee on Constitutional Amendments.

205 — By Mr. C. H. Lewis (by request) :

A proposed amendment to the Constitution relative to home rule in cities.

Referred to the Committee on Cities.

206 — By Mr. H. A. Clark (by request) :

A proposed amendment to the Constitution relative to Civil Service of the State and cities.

Referred to the Committee on Civil Service.

207 — By Mr. Hawley :

A proposed amendment to article 8, section 6 of the Constitution, relating to banks.

Referred to the Committee on Banking.

208 — Also, a proposed amendment to article 6, sections 18 and 21 of the Constitution, relative to justices of the peace.

Referred to the Committee on Judiciary.

209 — By Mr. I. S. Johnson :

A proposed amendment to article 15, section 1 of the Constitution, to prevent bribery and corruption.

Referred to the Committee on Legislative Powers and Duties.

210 — By Mr. Banks (by request) :

A proposed amendment to the Constitution relative to franchises in city streets and places.

Referred to the Committee on Cities.

Mr. Hamlin, from the Committee on Printing, reported in words following :

The Committee on Printing to whom was referred the following resolution offered by Mr. Root, viz.:

“Resolved, That the Convention to revise the Constitution and amend the same, hereby fixes the following conditions under which the printing of its documents, proceedings, journals and other printing and publications shall be directed and authorized by the compiler and shall be done; and hereby directs the time, manner and place of the delivery thereof; that is to say: All such documents, proceedings and journals and other printing or publications, copy of which shall be delivered to the printer before four o'clock in the afternoon of any day, shall be delivered duly printed, folded, stitched and trimmed, to the Sergeant-at-Arms, or his assistant, at the document room of the Convention, between eight and nine o'clock in the forenoon of the next legislative day; all such documents, proceedings and journals or other printing or publications, copy of which shall be delivered to the printer after four o'clock in the afternoon on any day, shall be delivered duly printed, folded, stitched and trimmed in the same manner and within twenty-four hours after the delivery of such copy to the printer; extra copies, when called for, shall be delivered in the same manner and at the same place within such further time as shall be designated therefor by the President or Secretary of the Convention, or by the chairman of the Committee on Printing.

"Work required to be done in extra haste shall be delivered as specifically directed by the President or Secretary of the Convention, or by the chairman of the Committee on Printing."

Would respectfully report that the same be accepted and adopted.

F. H. HAMLIN,
Chairman.

Mr. Bowers moved as a substitute for said resolution, as reported, the following :

"All the documents, proceedings, journals and other printing or publication of the Convention, shall be delivered at The Argus office in the city of Albany, with a written order signed by the President, Secretary or Compiler; which order shall, in every instance, specify the time when the printing so ordered shall be delivered to the Convention; and at the time of delivery of the document to be printed, there shall be obtained from The Argus Company a receipt showing the hour of such delivery. The time in each case within which the work shall be required shall be as directed by the Convention; or if not so directed, as the interests of the Convention require."

Mr. Root moved to add at the end of the resolution as reported by the Committee on Printing, the following words :

"If the total copy delivered to the printer in any one day exceeds fifty printed pages, no more than that number of pages shall be governed by the rule hereby established, and the matter to be so governed shall be specifically designated by the Secretary or Compiler. The Compiler or Secretary may enlarge the time herein fixed, by specific direction, given in writing at the time any copy is delivered to the printer."

Mr. Becker moved to amend said resolution as follows :

Insert after the word "compiler," where it first occurs, the following :

"In respect to such printing as is to be done under his supervision, as defined by the report of the Judiciary Committee submitted on June 8, 1894."

Mr. President put the question on the motion of Mr. Becker, and it was determined in the negative.

Mr. President put the question on the motion made by Mr. Root, and it was determined in the affirmative.

Mr. President then put the question on the adoption of the resolution, as amended, and it was determined in the affirmative.

Mr. Hamlin, from the Committee on Printing, also made a report in words following :

June 12, 1894.

The Committee on Printing to whom was referred the following resolution offered by Mr. Root, viz.:

“Resolved, That the Convention to revise the Constitution and amend the same, hereby orders and directs:

“First — That the Compiler, appointed pursuant to chapter 228 of the Laws of 1894, shall not authorize or direct any indexing, publication, printing or binding of any documents, proceedings, or other printing or publications, as documents, proceedings, journals or other printing or publications of this Convention, except such as are required by the rules and orders of the Convention, and such as the President or Secretary shall direct to be printed, with the authority of the Convention or of the Committee on Printing.

“Second — That the contracts which the Compiler assumed to make with The Argus Company and with the Albany Evening Journal on the 5th day of April, 1894, for the daily publication of a report of the proceedings of the Convention in The Albany Argus and Albany Evening Journal is disapproved and disaffirmed; and the Compiler is required to forthwith discontinue such publications.

“Third—That all further bindings of publications of the Convention be less expensive than those heretofore used; and be first submitted to the Committee on Printing and approved by them, by the Compiler, before they are authorized by the Compiler.

“Fourth—That the reports of the official stenographer of the Convention and the assistants employed by him, be henceforth the only reports of the proceedings printed under the authority of the Convention or of the Compiler.”

Would respectfully report that the above resolution be accepted and adopted.

F. H. HAMLIN,
Chairman.

The question being on the adoption of the first of the resolutions offered by the Judiciary Committee, as contained in said report, in words following :

First — That the Compiler, appointed pursuant to chapter 228 of the Laws of 1894, shall not authorize or direct any indexing, publication, printing or binding of any documents, proceedings, journals or other printing or publications, as documents, proceedings, journals or other printing or publications of this Convention, except such as are required by the rules and orders of the Convention and such as the President or Secretary shall direct to be printed, with the authority of the Convention or of the Committee on Printing.

Mr. Roche moved to strike out the words "or of the Committee on Printing," at the end of said resolution, and insert the same words after the word "Secretary."

Mr. President put the question on said motion, and it was determined in the affirmative.

Mr. President put the question on the adoption of said resolution as amended, and it was determined in the affirmative.

The question then being on the adoption of the second resolution offered by the Judiciary Committee in words following :

Second — That the contracts which the Compiler assumed to make with The Argus Company and with the Albany Evening Journal, on the 5th day of April, 1894, for the daily publication of a report of the proceedings of the Convention in The Albany Argus and Albany Evening Journal is disapproved, disaffirmed and the Compiler is required to forthwith discontinue such publications.

By unanimous consent, the word "is," after the word "journal," second occurring, was changed to read "are."

Mr. J. C. Davies moved that said resolution be recommitted to the Judiciary Committee and that due notice be given of the time and place, when and where interested parties may be heard in favor of or against such resolution, and that such committee report at its earliest convenience.

Mr. Dean moved to lay the motion of Mr. Davies upon the table.

Mr. President put the question on said motion, and it was determined in the negative.

Mr. President put the question on the motion of Mr. Davies, and it was determined in the negative.

Mr. Alvord moved to amend the original resolution as follows :

Insert after the word "Journal," the following : "Are in the opinion of the Convention without sanction of law and should be discontinued."

Mr. President put the question on said motion, and it was determined in the negative.

Mr. Hirschberg called for a division of the question.

Mr. President put the question on that portion of the resolution in words following :

"Second — That the contracts which the Compiler assumed to make with The Argus Company and with the Albany Evening Journal, on the 5th day of April, 1894, for the daily publication of a report of the proceedings of the Convention in The Albany Argus and Albany Evening Journal is disapproved, disaffirmed," and it was determined in the affirmative.

Mr. President then put the question on that portion of the resolution in words following :

"And the Compiler is required to forthwith discontinue such publications."

Mr. President put the question on said motion, and it was determined in the affirmative.

Mr. Crosby offered a resolution in words following :

Resolved, That the Committee on Printing be and is directed to ascertain and report upon what terms a report of the proceedings of this Convention can be procured, to be published in The Albany Argus and the Albany Evening Journal, and also the gross amount that the representatives of said papers will agree that the aggregate expense of such publication shall not exceed.

Mr. Galinger moved to lay said motion on the table.

Mr. President put the question on said motion, and it was determined in the affirmative.

Mr. Acker moved to amend said resolution as follows :

Add after the words "Albany Evening Journal," the following : "Or with the publishers of any other daily newspaper published in the State."

Mr. President put the question on said motion, and it was determined in the affirmative.

Mr. President put the question on the adoption of said resolution as amended by Mr. Acker, and it was determined in the negative.

Mr. President put the question on the adoption of the third resolution offered by the Judiciary Committee, as follows:

Third — That all future bindings of publications of the Convention be less expensive than those heretofore used; and be first submitted to the Committee on Printing, and approved by them by the Compiler, before they are authorized by the Compiler, and it was determined in the affirmative.

Mr. President put the question on the adoption of the fourth resolution offered by the Judiciary Committee, as follows:

Fourth — That the reports of the official stenographer of the Convention, and the assistants employed by him, be henceforth the only reports of the proceedings printed under the authority of the Convention or of the Compiler, and it was determined in the affirmative.

Mr. Hamlin, from the Committee on Printing, also reported in words following :

In Convention, June 12, 1894.

The Committee on Printing, to whom was referred the report of the Judiciary Committee, reported in words following:

“The Committee on Judiciary, in obedience to your resolution of June 6, 1894, calling for an opinion upon the power of the Convention over the Compiler, appointed under chapter 228 of the Laws of 1894, and over the printing and publication of its own journals, documents and proceedings, and in respect of the matters contained in recommendations of the Committee on Printing, reports as follows:

I. That the Legislature has undertaken to authorize the printing of a manual and compilation and of such journals as the Convention may keep, and has authorized a contract for such printing, which was made before this Convention met. In the opinion of this committee, the Convention has no concern with these matters, and it cannot prevent such printing from being a public charge, under the contract of 1893, or make it such a charge.

II. That as to all other printing and publications, in the opinion of the committee, the Convention has sole authority to determine what documents and proceedings shall be printed, published, indexed and bound, and when and how and under what conditions, they shall be printed, published, indexed and bound.

III. That the Compiler has no authority to order or contract for any such printing, publication, indexing or binding, except under the order of the Convention.

IV. That the Compiler has no authority to contract for the daily publication of the proceedings and debates of the Convention in The Argus and Albany Evening Journal.

V. That the Convention has authority to give effect to all recommendations contained in the report of the Committee on Printing.

ELIHU ROOT,
Chairman."

June 6, 1894.

Do hereby return the same and recommend its acceptance and adoption.

And also return herewith for the consideration of the Convention, the report of this committee in regard to the printing for the Convention as heretofore reported by document number eight.

F. H. HAMLIN,
Chairman.

Mr. President put the question on the adoption of said report, and it was determined in the affirmative.

Mr. Cochran offered a resolution in words following :

Whereas, This Convention having been informed by the chairman of the Printing Committee and through other sources, announcing that there is in course of preparation by the Compiler, an additional volume to the Manual to consist of the photographs and personal sketches of the members, and whereas it is the sense of the members of this Convention that such a publication was never intended by the Legislature to be included within the Manual authorized to be issued for the Convention's use, and

Whereas, In any event it is provided by chapter of the Laws of 1894 that such manual should be prepared and ready for the Convention "at the commencement of its session,"

Resolved, That this Convention do disapprove of the issue of the volume referred to, and that the Sergeant-at-Arms be directed to decline to accept of the same if offered.

And further, that the Compiler, Secretary of State, Comptroller and Attorney-General be notified of this action.

The resolution, giving rise to debate, was tabled under the rule.

Mr. J. Johnson, from the Committee on Cities, asked that that committee be discharged from the further consideration of the resolution offered by Mr. R. M. Johnston calling for information from the Governor and the mayors of the several cities of the State as to the observance of the civil service reform law in the various departments.

And that said resolution be referred to the Special Committee on Civil Service.

Mr. President put the question on said motion, and it was determined in the affirmative, and said resolution was so referred.

By unanimous consent Mr. Veeder presented the petition of citizens of Brooklyn in favor of Civil Service.

Referred to the Committee on Civil Service.

By unanimous consent Mr. Jesse Johnson presented the protest of citizens of Brooklyn against equal suffrage.

Referred to the Committee on Suffrage.

211 — By unanimous consent Mr. Francis presented a proposed amendment to article one, section three of the preamble of the Constitution, in regard to religious liberty.

Referred to the Committee on Preamble.

Mr. Becker called from the table the report of the Committee on Printing, in words following :

In Convention, Albany, N. Y., June 5, 1894.

The Committee on Printing, to whom was referred the subject-matter contained in the following resolution offered by Mr. Becker, viz.:

“Resolved, That the Committee on Printing ascertain and report on the second legislative day of next week, the propriety of furnishing a daily report of the proceedings of this Convention to each of the daily newspapers printed in this State and the esti-

mated expense thereof. And that the committee also report as to the printing and binding of five hundred copies of the debates of the Convention, to be distributed in the manner and to the persons named in Rule 71."

Do hereby respectfully report :

First—That it is the opinion of the committee that to print and send out the Journal as provided for by the foregoing resolution, will cost about two thousand dollars, and that included with other printed matter therein referred to, will cost from six to ten thousand dollars; that in view of that expenditure of money this committee does not feel justified in recommending the adoption of that portion of said resolution.

Second—This committee does further report, that the printing of one thousand copies of the verbatim reports of the proceedings and debates be continued and that five hundred of said one thousand copies be bound in plain substantial binding, for distribution, as provided for, and in the same manner as provided by Rule 71, for the distribution of the Journal and reports of committees.

Mr. President put the question on the motion to take from table, and it was determined in the affirmative.

Mr. Becker then offered the following as a substitute for the resolution reported by the Committee on Printing :

Resolved, That the Committee on Printing ascertain and report on next Tuesday, what contract can be entered into with the proprietors of The Albany Argus and the Albany Evening Journal for publishing the journals, proposed amendments, and reported amendments of the Convention; and sending copies thereof, at least twice in each week, to all the papers in this State, except monthly papers and trade journals, and also for printing one thousand copies of the verbatim reports of the proceedings and debates, and binding them in a plain and substantial binding for distribution, as provided for by Rule 71 for the distribution of the Journal and report of committees, or as ordered by the Convention.

Pending the consideration of the motion of Mr. Becker, Mr. Dickey moved that the Convention adjourn.

Mr. President put the question on said motion, and it was determined in the affirmative.

And, at 12.45, the Convention adjourned.

Thursday, June 14, 1894.

The Convention met pursuant to adjournment.

Prayer by Rev. Father Walworth.

The Journal of Wednesday, June thirteenth, was read and approved.

Mr. President presented the memorial and petition of citizens of New York city against appropriations for sectarian institutions.

Referred to the Committee on Charities.

Also, the protest of citizens of New York city against granting State aid to sectarian schools.

Referred to the Committee on Education.

Also, the petition of citizens of Albany asking State inspection of certain religious institutions.

Referred to the Committee on Charities.

Also, the petitions of citizens of New York city in favor of a civil service reform amendment to the Constitution.

Referred to the Committee on Civil Service.

Also, the memorial of the New York Juvenile Guardian Society in relation to Children's Homes.

Referred to the Committee on Charities.

Mr. Barhite presented the petition of citizens of Rochester, asking the State inspection of certain religious institutions.

Referred to the Committee on Charities.

Mr. Barnum presented the protest of citizens of Cherry Valley against equal suffrage for women.

Referred to the Committee on Suffrage.

Mr. Cookinham presented the memorial of the M. E. Church of the Utica and Herkimer district against sectarian appropriations.

Referred to the Committee on Charities.

Mr. Francis presented the petition of citizens of Lansingburgh asking State inspection of certain religious institutions.

Referred to the Committee on Charities.

Mr. Osborn presented a petition in favor of a civil service amendment to the Constitution.

Referred to the Committee on Civil Service.

Mr. Hill presented petitions on the same subject.

Referred to the Committee on Civil Service.

Mr. Goodelle presented a petition on the same subject.

Referred to the Committee on Civil Service.

Mr. Foote presented a petition on the same subject.

Referred to the Committee on Civil Service.

Mr. Cochran called up the resolution offered by him in words following:

Whereas, This Convention having been informed by the report of the Committee on Printing and other sources, that there is in course of preparation by the Compiler an additional volume of the Manual, to consist of the photographs and personal sketches of the members, and

Whereas, It is the sense of the members of this Convention that such a publication was never intended by the Legislature to be included within the Manual authorized to be issued for the Convention's use, and

Whereas, In any event it is provided by chapter of the Laws of 1894, that such Manual should be prepared and ready for the Convention "at the commencement of its session."

Resolved, That this Convention do disapprove of the issue of the volume referred to, and that the Sergeant-at-Arms be directed to decline to accept of the same if offered. And further, that the Compiler, Secretary of State, Comptroller and Attorney-General be notified of this action.

Mr. Maybee moved to lay said resolution on the table.

Mr. President put the question on said motion, and it was determined in the affirmative.

Mr. Titus offered a resolution in words following :

Resolved, That the district attorneys of the various counties in this State be requested to furnish forthwith to this Convention a statement showing the number of appeals in criminal cases

taken in their respective counties, for each of the five years last past.

Referred to the Committee on Judiciary.

212.—Mr. J. Johnson presented a proposed amendment to article 3, section 16 of the Constitution, in reference to private and local bills.

Referred to the Committee on Legislature, its Powers and Duties.

213 — By Mr. Titus :

A proposed amendment to article 6 of the Constitution, by adding a new section relative to the judiciary.

Referred to the Committee on Judiciary.

214 — By Mr. Tucker :

A proposed amendment to article 6 of the Constitution, by adding a new section providing for the election of referees to whom issues in law or equity are to be referred.

Referred to the Committee on Judiciary.

215 — By Mr. Becker :

A proposed amendment to article 3, section 19 of the Constitution, in relation to grants of land under water.

Referred to the Committee on Legislature, its Powers and Duties.

216 — By Mr. Vedder :

A proposed amendment to article 3, section 10 of the Constitution, relative to the powers of the Legislature and the choice by the Senate of a temporary president.

Referred to the Committee on Legislature, its Powers and Duties.

The order of business, "Reports of Committees," being announced, Mr. President stated the pending question at the hour of adjournment yesterday, to be upon the report of the Committee on Printing in words following:

In Convention, Albany, N. Y., June 5, 1894.

The Committee on Printing, to whom was referred the subject matter contained in the following resolution, offered by Mr. Becker, viz.:

Resolved, That the Committee on Printing ascertain and report on the second legislative day of next week the propriety of furnishing a daily report of the proceedings of this Convention to each of the daily newspapers printed in this State, and the estimated expense thereof. And that the committee also report as to the printing and binding of five hundred copies of the debates of the Convention, to be distributed in the manner and to the persons named in Rule 71.

Do hereby respectfully report :

First — That it is the opinion of the committee that to print and send out the Journal, as provided for by the foregoing resolution, will cost about two thousand dollars, and that, included with other printed matter therein referred to will cost from six to ten thousand dollars; that in view of that expenditure of money the committee does not feel justified in recommending the adoption of that portion of said resolution.

Second — This committee does further report : That the printing of one thousand copies of the verbatim reports of the proceedings and debates be continued and that five hundred of said one thousand copies be bound in plain, substantial binding, for distribution as provided for in the same manner as provided by Rule 71 for the distribution of the Journal and reports of committees.

Mr. Becker then offered the following as a substitute for the resolution reported by the Committee on Printing :

Resolved, That the Committee on Printing ascertain and report on next Tuesday what contract can be entered into with the proprietors of The Albany Argus or the Albany Evening Journal, for publishing the journals, proposed amendments and reported amendments of the Convention, and sending copies thereof at least twice in each week to all the papers in this State, except monthly papers and trade journals, and also for printing one thousand copies of the verbatim report of the proceedings and debates, and binding them in a plain and substantial binding for distribution, as provided for by Rule 71, for the distribution of the Journal and reports of committees, or as ordered by the Convention.

Mr. Cookinham moved as a substitute for Mr. Becker's resolution, the following :

Resolved, That the subject of printing and publishing for the Convention, which is not covered by the rules or the direction of the Convention heretofore given, be referred to the Committee on Printing, with instructions to examine and report thereon, at the earliest practical date, as to what should be printed and published, and also the best method of doing the same and as to whom should be furnished copies thereof.

Mr. Becker accepted Mr. Cookinham's substitute.

Mr. President put the question on the substitute offered by Mr. Becker, as amended by Mr. Cookinham, and it was determined in the affirmative.

Mr. Root, from the Committee on Judiciary, to which was referred the resolution introduced by Mr. Blake, calling upon the Secretary of State for the number of indictments for murder in the various counties of the State, reported in favor of the same, amended so as to read as follows :

"Resolved, That the Secretary of State be requested to furnish to the Convention, whatever information may be in his possession respecting the number of indictments for murder in the first and second degrees, found by grand juries of the various counties in this State, from January 1, 1889, to January 1, 1894, and the number of convictions, of each degree, had upon such indictments, including pleas of murder in the second degree."

Mr. President put the question on the adoption of said report, and it was determined in the affirmative.

Mr. J. C. Davies, from the Committee on Banking, reported in words following :

The Committee on Banking and Insurance, to whom was referred a resolution offered by Mr. Kellogg on the eighth inst., do hereby respectfully report

That having taken the same under consideration, do report said resolution favorably, without amendment in words following :

"Resolved, That the Superintendent of Banking be respectfully requested to furnish this Convention, if possible, with the number and location of savings institutions in this State, and also the

amount of unclaimed deposits in such institutions, together with a detailed statement as to how long any such amount or amounts have remained unclaimed."

Mr. President put the question on the adoption of said report, and it was determined in the affirmative.

Mr. Hirschberg, from the Committee on Privileges and Elections, reported in words following :

To the Constitutional Convention :

The Committee on Privileges and Elections having investigated the matter of the contest of Harvey W. Putnam and Thomas A. Sullivan for the seats now occupied by Herman F. Trapper and Charles Beckwith from the Thirtieth Senatorial District, do report as follows:

That they have taken a large amount of proof and have examined a large number of witnesses and have been addressed by counsel for contestants and also for the sitting members, and that they find and report as follows:

That the Thirtieth Senatorial District is composed of wards one to fourteen, inclusive, and the Nineteenth and Twentieth wards of the city of Buffalo; that on the face of the returns in said Senatorial District, said Beckwith received 14,099 votes and said Trapper 14,093; that, on the face of the returns, said contestant Putnam received 14,070 and said contestant Sullivan received 13,899 votes. Thus, upon the face of the returns, it appeared that said Beckwith received twenty-nine votes more than said Putnam, and 200 votes more than said Sullivan; that the contestants sought to establish that the Fourth election district of the First ward should not be counted, but that the entire vote should be omitted from the returns on the ground that it was irregular and fraudulent and that the polls were taken possession of by conspirators for the express purpose of controlling the election in the interest of one Sheehan, a candidate for alderman in the First ward of said city; and they claimed that said conspirators did control the election in said district. Fraud was also claimed in other election districts in said First ward, but it is not necessary to report upon that question as contestants substantially confined their case to the said Fourth district.

It appeared that the registration in said Fourth district, for the year 1893, was 889; that the population of said district,

from 1891 to 1893, had decreased; that the total vote of said district for the year 1892, that being the year of a Presidential election, was 342; while the vote at the election November 7, 1893, was 641, as returned.

It appears that the vote of said district was divided between the principal parties for the three years last past, as follows:

1891, Republican, as returned.....	140
1891, Democrat, as returned.....	169
<hr/>	
1892, Republican, as returned.....	101
1892, Democrat, as returned.....	212
<hr/>	
1893, Republican, as returned.....	126
1893, Democrat, as returned.....	505
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It also appeared that the large increase in registration and in votes, in 1893, was caused by persons registering and voting from certain localities in said district and particularly from a saloon, known as 19 Main street, kept by one James Kennedy; also a saloon, known as 85 Main street, and a saloon, known as 133 Main street, and 165 Washington street and 33 Exchange street.

On the evening before the election, the sheriff of Erie county appointed 112 special deputies, all of whom were sworn in by the under sheriff without a knowledge, upon his part or upon the part of the sheriff, as to who those deputies were; and the act of swearing them in was done in obscure places in said city of Buffalo. Many of said deputy sheriffs were men of bad character, notably William Baker, Charles Marks, Samuel Strauss and a man called Farrell, all of whom were prize-fighters, and O'Shea, who is described as a dog-catcher. These deputy sheriffs were all appointed at the request of Charles McDonnell, John J. Lynch and John O'Connell, and other supporters of Sheehan, for the office of alderman of said ward; said O'Connell being the chairman of the board of inspectors of election in said Fourth district.

The booth in which the voting took place in said Fourth district was located on Illinois street was circular in form and constructed of sheet-iron. It was placed on the side of the street, partially upon the sidewalk, so that the door at which voters would enter would be approached from the sidewalk leading

to Perry street. About three o'clock in the morning, on election day, about fifty-four voters, mostly Italians, supporters of White, the candidate opposed to Sheehan for the office of alderman, arrived at said election booth and took their places upon the sidewalk in single file, the line extending from the door of the booth toward Perry street, which was the proper way for voters to form in line to approach said booth; that said line was orderly and law-abiding; and that said line had remained in the said position until about 6.40 o'clock in the morning, that being about the time for the opening the polls. That, shortly before the time for opening the polls arrived, the said James Kennedy approached and rapped upon the door of the booth and asked admission. The election officers were within the booth, and Kennedy was asked who it was that desired admission. Upon giving his name, he was immediately admitted, but very shortly came out of the booth and gave instructions to the election officers that the door was not to be opened until he gave the order. He was not an election officer and had no right to assume any control over the door, or to give any directions as who should or should not enter the booth. Just before the time arrived for opening the polls, said Kennedy again returned, but he approached the door of the booth from the rear, coming between the booth and the building on the east side and there being an intervening space of some two or three feet. He, at this time, had with him the prize-fighters and the dog-catcher and a large number of the special deputy sheriffs who had been appointed the night before. At the same time, Police Captain Regan, who had previously been a Republican, but who was a supporter of Sheehan for alderman, and some ten or more policemen in uniform, appeared with Kennedy and the deputy sheriffs. When they approached the door of the booth they immediately took possession of it. William Miller, one of the prize-fighters, stood in the door, with his arm across it, and the other officers were within the booth or outside, as they saw fit to be, and for several hours no one was permitted to enter the booth except those to whom said Kennedy and one Kilcourse and the prize-fighters saw fit to allow the privilege. The line of Italian voters who had stayed in front of the booth from three o'clock in the morning was forcibly broken up by these prize-fighters, deputy sheriffs and policemen; and the men were told that they must go to the rear of the booth and form in the rear of the line which had approached in that

direction and which consisted largely of special deputy sheriffs. Said Kennedy, after he entered the booth at the time of opening the polls, took a position in the rear of the inspectors of election and near to the private compartments, and, with Kilcourse, assumed and retained control of the election machinery of that district. Kennedy gave directions as to who should be allowed to enter the booth, and who should be put out and his directions were followed; and, in pursuance of his directions, law-abiding citizens were ejected by the prize-fighters, and notably several of the watchers who were entitled to be present and observe the manner of conducting the election were either ejected or forcibly prevented from entering. One of the inspectors of election, Mr. Aeschbach, almost continuously protested against the unlawful proceedings, but no heed was given his protest.

Men other than voters were placed or allowed to remain in two of the private compartments during, substantially, the whole day and most of the voting was done from these compartments. Some of the compartments at times contained as many as two, three or four men. Said Kennedy gave directions to voters when they approached the private compartments, to go into the first, second or third compartment, in which were the men placed there by him to take charge of the folding of the tickets. Mr. Aeschbach, one of the Republican inspectors of election, almost continuously protested against this proceeding and called the attention of the election board and of the officers to it, and requested that it be discontinued, but no heed was given to his protest. The chairman of the board of inspectors, one John O'Connell, had organized the board in the morning, but almost immediately left the booth claiming to have appointed James Bowe to take his place upon said board, who proceeded to fill the position of chairman of said board without being sworn and without any right whatever to hold that position. A brother of said Bowe also then assumed to act as inspector without legal appointment and without being sworn. Said O'Connell did not again appear at the booth until the voting was mostly done. The voting from the time the polls opened until about half past ten or eleven o'clock proceeded very rapidly, and was largely done by the supporters of said Sheehan for alderman, and the voters came largely from what is known as the colonized districts, namely, 19, 85 and 133 Main street, 165 Washington street, and 33 Exchange street. Mr. Thayer, a highly-respected citizen of Buffalo, and a man belonging to

the Independent Democratic Club of the City of Buffalo, and a lawyer by profession, was a duly appointed watcher of such election, and entitled to a position in said booth, where he could observe what took place therein.

He, with difficulty, obtained entrance to the booth, and proceeded to make minutes of what there took place, when the said Kennedy, without cause, ordered him to be put out, and he was thereupon summarily ejected by the dog-catcher; whereupon Mr. Thayer went to one of the judges of the Superior Court of said city and made application upon affidavit for a warrant for the arrest of Kennedy. Sheriff Beck, of Erie county, was sent for by the judge, and the warrant was placed in his hands in the forenoon of said election day, and said sheriff was told where said Kennedy could be found. The sheriff promised Thayer to meet him presently, at the booth, but when off in some other direction. Mr. Thayer, however, went immediately to the booth and there remained for several hours, but the sheriff did not appear until about four o'clock in the afternoon. Just before his appearance said Kennedy, who had been within the booth all day, left the booth, whereupon the sheriff entered, remained for a very few minutes, and departed, and almost immediately on his departure, the said Kennedy re-entered the booth and was not arrested under said warrant. On the day before election, 129 warrants were issued for the arrest of all persons who had registered as voters from 133 Main street. All these warrants were placed in the hands of a police officer, one O'Donnell. This officer went at nine o'clock in the evening before election to said 133 Main street, for the ostensible purpose of arresting the persons against whom the warrants were issued for fraudulent registration, but found none of said persons there. He returned again at about eleven o'clock at night, and found none of said persons there. He again went on the morning of election day at about nine o'clock A. M., and found none of said persons, but it appears that sixty-three of the persons who registered from 133 Main street, voted at said election in the said Fourth district. It also appears that shortly prior to election day, Kilcourse, who was one of the prime movers in the fraudulent scheme to prevent an honest election in said Fourth district, took a lease of said No. 133 Main street, and paid the rent for October and November, and immediately after the election, vacated the premises. In regard to No. 33 Exchange street, the committee reports that, prior to election, the landlord

had taken proceedings to recover possession of said premises, and that the tenant had been put out of possession, and that the premises were vacated several days before election, and that there were no voters nor occupants of said building upon election day, and yet it appeared from the poll-list of voters, that thirty-five persons were registered and many of them voted from said 33 Exchange street on election day.

During the progress of the voting persons who were supporters of Sheehan and who intended to vote for him were taken by the deputy sheriffs and prize-fighters to the head of the line, out of turn, and were passed into the booth to vote and did vote, while respectable citizens, who were not supporters of Sheehan, and who had stood in line until they came to the door, were not allowed to enter until Kennedy, Kilcourse and the deputy sheriffs saw fit to permit them. Many voters who were not supporters of Sheehan were without cause pushed out of the line, struck, and thrown into the street, while the roughest element held full sway, and entire control of the approach to the booth and of the election machinery. The deputy sheriffs, prize-fighters and the election officers, who were the supporters of Sheehan for alderman, were all acting in concert to prevent a fair election and to allow illegal votes to be cast for said Sheehan. These persons did succeed in their corrupt conspiracy in taking entire charge of said election district and in preventing a fair and honest election. Moreover their acts are illegal, corrupt and fraudulent to such an extent that there was, in reality, no legal election in such district.

The returns show precisely the same number of votes cast for every candidate voted for at the election of 1893, in said Fourth district.

It follows then that the return does not state the number of legal votes cast at such election, and that there is included in the returns a large number of illegal votes which were counted for said Herman F. Trapper and Charles Beckwith, and that said election was not a fair and honest expression of the opinion and choice of the legal voters of said district, and the acts of the election board and the other officers were so fraudulent as to render the proceedings in the said Fourth district on November 7, 1893, no election at all. It is but just, however, to say that neither Mr. Beckwith nor Mr. Trapper is chargeable with any act which, in the slightest degree, reflects upon their character or that

indicates that they were, in any way, cognizant of or responsible for the fraudulent acts or proceedings.

The committee, therefore, have concluded that the return made by the board of inspectors of election for said Fourth district in the First ward of Buffalo, in said Thirtieth Senatorial district, should be disregarded and treated as null and void, and that the vote in said Senatorial district should be counted as follows: Harvey W. Putnam, 13,944; Thomas A. Sullivan, 13,773; Charles Beckwith, 13,594; Herman F. Trapper, 13,588. The committee further report that said Harvey W. Putnam received a majority of the legal votes cast in said Senatorial district over said Charles Beckwith of 350 votes, and over said Herman Trapper of 356 votes; and said Thomas A. Sullivan received a majority of the legal votes cast in said Senatorial district over said Charles Beckwith of 179 votes and over said Herman F. Trapper of 185 votes, and that said Harvey W. Putnam and Thomas A. Sullivan are duly elected delegates for said Thirtieth Senatorial district to this Convention, and are entitled to seats therein.

The committee, therefore, recommends the passage of the following resolutions:

First — Resolved, That Herman F. Trapper and Charles Beckwith are not entitled, as delegates from the Thirtieth district, to the seats now occupied by them in this Convention.

Second — Resolved, That Harvey W. Putnam and Thomas A. Sullivan are duly elected delegates from the Thirtieth Senatorial district, and are entitled to the seats in this Convention now occupied by Herman F. Trapper and Charles Beckwith.

Dated June 14, 1894.

M. H. HIRSCHBERG,
Chairman.

Mr. Springweiler moved that said report be printed and made a special order for Wednesday, June twenty-seventh.

Mr. Bowers offered the following as a substitute for the motion of Mr. Springweiler :

That the evidence taken by the Committee on Privileges and Elections be printed and delivered to the members of the Convention before the consideration of the report.

Mr. Peck moved to lay the whole matter on the table and that the brief of the counsel of the contestees be printed.

Mr. President put the question on said motion, and it was determined in the negative.

Mr. Bowers withdrew his substitute.

Mr. Bowers moved to amend the motion of Mr. Springweiler by adding at the end thereof:

“That the brief of the contestees be printed, and that the subject of the printing of the evidence be postponed until Wednesday, June twentieth.

Mr. Dickey moved to amend the motion of Mr. Bowers, by striking out all after the word “printed,” and inserting in lieu thereof “and that the evidence taken shall not be printed.”

Mr. President put the question on the motion of Mr. Dickey, and it was determined in the negative.

Mr. President put the question on the amendment offered by Mr. Bowers, and it was determined in the affirmative.

Mr. Cookinham presented the brief of the counsel for the sitting delegates.

Mr. Mereness moved the previous question.

Mr. President put the question on ordering the previous question, and it was determined in the affirmative.

Mr. President put the question on the adoption of the motion of Mr. Springweiler, as amended by Mr. Bowers, and it was determined in the affirmative.

Mr. Roche offered a resolution in words following :

Resolved, That one thousand extra copies of constitutional amendments numbers 199, 200, 67, 10 and 26, respectively, be printed for the use of the Convention.

Mr. President put the question on said motion, and it was determined in the affirmative.

On motion of Mr. Truax, at 12.50, the Convention adjourned.

Friday, June 15, 1894.

The Convention met pursuant to adjournment.

Prayer by Rev. D. W. T. Van Doren.

The Journal of Thursday, June fourteenth, was read and approved.

Mr. President presented the protest of the Central Labor Union against the unseating of Delegate Trapper.

Referred to the Committee on Privileges and Elections.

Also, a communication from the secretary of the law committee of the Kings county G. A. R., relative to the rights of State officers who are honorably discharged soldiers or sailors.

Referred to the Committee on Militia and Military Affairs.

Also, petitions of citizens of New York and Brooklyn, relative to civil service reform.

Referred to the Committee on Civil Service.

Also, the memorial of Sidney S. Boyce, relative to limiting the capitalization of corporations.

Referred to the Committee on Corporations.

Also, a communication from Thomas Tyas, relative to new trials in certain criminal cases.

Referred to the Committee on Governor and other State Officers.

Mr. McMillan presented petitions of citizens of Buffalo, in favor of a civil service amendment to the Constitution.

Referred to the Committee on Civil Service.

Mr. Foote presented petitions of citizens of Rochester on the same subject.

Referred to the Committee on Civil Service.

Mr. Alvord presented the petition of citizens of Syracuse on the same subject.

Referred to the Committee on Civil Service.

Mr. Foote presented the memorial of citizens of New York city against sectarian appropriations.

Referred to the Committee on Charities.

217.—Mr. Towns presented a proposed amendment to article 3, sections 1 to 21 of the Constitution, relative to legislative organization and powers.

Referred to the Committee on Legislature, its Powers and Duties.

218.—By Mr. R. M. Johnston:

A proposed amendment to article 4, section 5 of the Constitution, relative to the pardoning power of the Governor.

Referred to the Committee on Governor and other State Officers.

219.—By Mr. Riggs:

A proposed amendment to article 8, section 4 of the Constitution, in reference to banking and trust companies.

Referred to the Committee on Banking and Insurance.

220.—By Mr. C. H. Truax:

A proposed amendment to article 1, section 10 of the Constitution, relative to lotteries.

Referred to the Committee on Preamble.

221.—By Mr. Parmenter:

A proposed amendment to article 10, section 2 of the Constitution, relative to the mode of changing county, city, town and village officers.

Referred to the Committee on County, Town and Village Officers.

222.—By Mr. Abbott (by request):

A proposed amendment to article 2, section 1 of the Constitution, relative to the suffrage.

Referred to the Committee on Suffrage.

223.—By Mr. Foote:

A proposed amendment to article 2, section 5 of the Constitution, defining the meaning of the term "ballot."

Referred to the Committee on Suffrage.

224.—Also, a proposed amendment to article 2, section 1 of the Constitution, relative to submitting to the people the question of female suffrage.

Referred to the Committee on Suffrage.

225.—By Mr. Carter:

A proposed amendment to article 6, section 18 of the Constitution, relative to justices of the peace.

Referred to the Committee on County, Town and Village Officers.

226.—By Mr. Porter:

A proposed amendment to article 10, section 10 of the Constitution, relative to the qualifications of coroners.

Referred to the Committee on County, Town and Village Officers.

227.—Also, a proposed amendment to article 3, sections 2 to 5 of the Constitution, providing for minority representation.

Referred to the committee on Legislative Organization.

228.—By Mr. Davis:

A proposed amendment to article 1, section 7 of the Constitution, relative to the rights of owners of private property.

Referred to the Committee on Preamble.

229.—By Mr. Root:

A proposed amendment to article 4, section 9 of the Constitution, relative to the veto power.

Referred to the Committee on Governor and other State Officers.

230.—By Mr. Tekulsky:

A proposed amendment to article 1, section 10 of the Constitution, relative to the right of petition, divorces and lotteries.

Referred to the Committee on Preamble.

231.—By Mr. Lincoln:

A proposed amendment to article 6 of the Constitution, to establish a court of claims.

Referred to the Committee on Judiciary.

232.—By Mr. Bigelow:

A proposed amendment to article 2, section 1 of the Constitution, relative to female suffrage.

Referred to the Committee on Suffrage.

Mr. Hamlin, from the Committee on Printing, reported in words following:

In Convention, June 12, 1894.

The Committee on Printing, to whom was referred the resolution offered by Mr. Banks, relating to underscoring of certain portions of printed matter to be submitted to the Convention, do hereby recommend the acceptance and adoption of the following portion of said resolution, viz.:

Resolved, That when a proposed constitutional amendment is introduced amending existing sections of the Constitution, the new matter shall be underscored, and, when printed, shall be italicized, and all portions of such resolutions proposed to be omitted by the amendment shall be included in brackets.

F. H. HAMLIN,
Chairman.

Mr. President put the question on the adoption of said report, and it was determined in the affirmative.

Mr. Hamlin, from the Committee on Printing, also reported the following:

In Convention, June 12, 1894.

The Committee on Printing would respectfully report and request the adoption of the following resolution:

Resolved, That the Compiler, or other person having charge of the files of the Convention, hereafter furnish 250 copies of each of the papers required for such files, properly punctured and perforated in such manner as to facilitate filing the same.

F. H. HAMLIN,
Chairman.

Mr. President put the question on said resolution, and it was determined in the affirmative.

Mr. Gilbert, from the Select Committee on Civil Service, reported in words following:

The Committee on Civil Service, to which was referred the resolution offered by Mr. R. M. Johnston, calling upon the Governor and mayors of cities for information in regard to the civil service, do report in favor of the adoption of the following as a substitute for the original resolution:

Resolved, That the mayors of the several cities of the State be requested to forward to the Convention copies of the civil service rules of their respective cities and reports of the proceedings thereunder, together with such other information as will aid the Convention in arriving at correct knowledge as to the operation, effect and expense of the Civil Service Law of the State.

JOHN I. GILBERT,

Chairman Special Committee on Civil Service.

Mr. R. M. Johnston moved to amend said resolution by inserting after the word "That" the words "the Governor and."

Mr. President put the question on said motion, and it was determined in the negative.

Mr. President put the question on the adoption of said resolution, and it was determined in the affirmative.

Mr. E. R. Brown offered a resolution in words following:

Resolved, That the Superintendent of Public Buildings should restore the rail in the rear of the chamber, to protect the seats of members.

Mr. President put the question on the adoption of said resolution, and it was determined in the affirmative.

Mr. Hirschberg was granted leave of absence from the sessions of the Convention next week.

On motion of Mr. Mantanye, at 10.43, the Convention adjourned.

Tuesday, June 19, 1894.

The Convention met pursuant to adjournment.

Prayer by Rev. Canon Stewart.

The Journal of Friday, June fifteenth, was read and approved.

Mr. President presented memorials from citizens of New York in favor of civil service.

Referred to the Committee on Civil Service.

Mr. Bigelow presented a memorial and petition on the same subject.

Referred to the Committee on Civil Service.

Mr. Osborn presented petitions from citizens of Putnam county on the same subject.

Referred to the Committee on Civil Service.

Mr. Parkhurst presented the petition of citizens of Steuben county, asking State inspection of certain religious institutions.

Referred to the Committee on Charities.

Mr. Lester presented a petition from citizens of Saratoga county on the same subject.

Referred to the Committee on Charities.

Mr. Barhite presented the petition of citizens of Rochester on the same subject.

Referred to the Committee on Charities.

Mr. Alvord presented the petition of citizens of Syracuse on the same subject.

Referred to the Committee on Charities.

Mr. Arnold presented a petition of citizens of Poughkeepsie in favor of civil service.

Referred to the Committee on Civil Service.

Mr. Cady presented the memorial of citizens of Hudson against sectarian appropriations.

Referred to the Committee on Education.

Mr. Cookinham presented the memorial of citizens of Utica on the same subject.

Referred to the Committee on Education.

Mr. President presented a communication from the Manufacturers' Association of Kings and Queens counties, relating to elections, municipalities and taxation.

Referred to the Committees on Legislature, its Powers and Duties; Cities, Towns and Villages, and State Finances and Taxation.

Also, a communication from the Herkimer County Grange, in favor of female suffrage.

Referred to the Committee on Suffrage.

Mr. President presented a communication from the Superintendent of the Banking Department, in response to a resolution of the Convention for information as to the savings banks in the State and the amount of unclaimed balances in said banks.

Referred to the Committee on Currency, Banking and Insurance.

233.—Mr. Tucker presented a proposed amendment to article 11, section 1 of the Constitution, relating to exemptions from militia service.

Referred to the Committee on Militia and Military Affairs.

234.—By Mr. Smith:

A proposed amendment of article 1, section 6 of the Constitution, relative to personal rights and compulsory physical examinations in cases to recover damages for personal injuries.

Referred to the Committee on Preamble and Bill of Rights.

235.—By Mr. Roche:

A proposed amendment to article 8, sections 9 and 11 of the Constitution, relative to the power of counties, cities and villages to incur debts.

Referred to the Committee on Cities and also to County, Town and Villages, their Organization and Government.

236.—Also, a proposed amendment to article 6, section 19 of the Constitution, relative to justices of lower courts, their terms, qualifications and compensation.

Referred to the Committee on Judiciary.

237.—By Mr. Parmenter:

A proposed amendment to article 13 of the Constitution, relating to future Constitutional Conventions.

Referred to the Committee on Constitutional Amendments.

238.—By Mr. E. R. Brown:

A proposed amendment to article 1, section 8 of the Constitution, relating to "freedom of speech and of the press."

Referred to the Committee on Preamble and Bill of Rights.

239.—By Mr. Parkhurst:

A proposed amendment to article 2 of the Constitution, providing for the voting by electors who are inmates of soldiers and sailors' homes.

Referred to the Committee on Suffrage.

240.—By Mr. Pratt:

A proposed amendment to article 7 of the Constitution, by adding a section relating to exemptions from taxation.

Referred to the Committee on State Finances and Taxation.

241.—Also, a proposed amendment to article 7 of the Constitution, by adding thereto a new section relating to taxation.

Referred to the Committee on State Finances and Taxation.

Mr. President designated as reporter, under Rule 2, subdivision 7, Mr. Edward S. Luther, for Albany Argus, New York Press and New York Morning Journal.

Mr. Bowers and Mr. Hedges asked and obtained leave of absence from the sessions of the Convention to-morrow.

On motion of Mr. Root, at 10.35, the Convention adjourned.

Wednesday, June 20, 1894.

The Convention met pursuant to adjournment.

Prayer by Rev. C. P. Evans.

The Journal of Tuesday, June nineteenth, was read and approved.

Mr. President named Mr. Barrow as a member of the Committee on Legislative Organization and Apportionment, he having been accidentally left off from said committee when the committees were announced.

Mr. President presented petitions of citizens of New York in favor of civil service.

Referred to the Committee on Civil Service.

Mr. Hamlin presented a petition on the same subject.

Referred to the Committee on Civil Service.

Mr. Barhite, by request, presented the petition of citizens of Rochester, asking a constitutional amendment restricting the traffic in intoxicating liquors.

Referred to the Committee on Legislative Powers and Duties.

Mr. Durfee presented the protest of the Palmyra Grange against increasing the number and salaries of Senators and Assemblymen.

Referred to the Committee on Legislative Powers and Duties.

Mr. Bigelow presented the address by the Proportional Representation Society of New York.

Referred to the Committee on Legislative Powers and Duties.

Mr. Parker presented the petition of the Orleans Baptist Association of this State against sectarian appropriations.

Referred to the Committee on Charities.

Mr. G. A. Davis presented petitions of citizens of Tonawanda asking the State inspection of certain religious institutions.

Referred to the Committee on Charities.

Mr. Durfee presented the memorial of the Wayne County Council of Patrons of Husbandry, in regard to the distribution of public school moneys.

Referred to the Committee on Education.

Mr. President presented the communication from the Monitor Iron Works Company, of New York, relative to the employment in certain occupations of inmates of State prisons.

Referred to the Committee on State Prisons.

Mr. Dean presented the memorial and petition of citizens of the 30th, 31st and 32d Senate districts against sectarian appropriations.

Referred to the Committee on Education.

Mr. Acker presented a memorial and petition from the 27th, 28th and 29th district on the same subject.

Referred to the Committee on Education.

Mr. Gibney presented a memorial from the 15th, 16th and 17th districts on the same subject.

Referred to the Committee on Education.

Mr. Wellington presented a memorial from the 24th, 25th and 26th districts on the same subject.

Referred to the Committee on Education.

Mr. Lauterbach presented a memorial from the cities of New York and Brooklyn on the same subject.

Referred to the Committee on Education.

Mr. Francis presented a memorial from the 18th to the 23d districts on the same subject.

Referred to the Committee on Education.

Mr. President presented a communication from the Secretary of State in words following :

Albany, June 19, 1894.

Hon. Joseph H. Choate,

President, Constitutional Convention,

Albany, N. Y.

Sir.—In response to the request of your honorable body, under date of the 14th inst., you are respectfully informed that the records of this office show that the number of indictments for murder in the first and second degrees found by grand juries of the several counties of this State, from January 1, 1889, to January 1, 1894, together with “the number of convictions of each degree, had upon such indictments, including pleas of murder in the second degree,” are as follows :

INDICTMENTS.

Murder, first degree.....	174
Murder, second degree.....	18

CONVICTIONS.

Murder, first degree.....	32
Murder, second degree.....	55

PLEAS.

Murder, second degree.....	4
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Very respectfully,

ANDREW DAVIDSON,

Deputy Secretary of State.

Referred to the Committee on State Prisons.

Mr. Forbes offered a resolution in words following :

Resolved, That the Committee on Apportionment be requested to report immediately in regard to any proposed amendment referred to them.

The resolution, giving rise to debate, was tabled under the rule.

Mr. Cady offered a resolution in words following :

Resolved, That the Secretary forthwith request the mayor of each city in the State, except New York and Brooklyn, to state to the Convention in writing on or before the 29th day of June, 1894, the date on which municipal elections in his city are provided by law to be held; and whether any change in the date of such elections has been made within the five years last past, and if so, what change; and whether any unsuccessful attempt has been made within that period to change such date by bill introduced in the Legislature, and if such change has been so suggested, the date on which it was proposed to hold such elections.

Resolved, That when such information shall have been received the answers of the respective mayors shall be printed as one document and be placed on the files of the Convention without further order.

Referred to the Committee on Cities.

Mr. Pratt offered a resolution in words following :

Resolved, That the Comptroller of the State be requested to furnish to this Convention, at as early a date as practicable, a statement of all property situate within the several counties of this State exempt from taxation under the laws of this State, as shown by the statements of the clerks of the boards of supervisors of the several counties of the State, transmitted to the Comptroller under and in pursuance of chapter 525 of the Laws of 1893.

Also, the value, kind, nature and character of such exempt property so far as the same is shown by said statements of said clerks of said boards of supervisors.

Referred to the Committee on State Finances and Taxation.

242 — Mr. Floyd presented a proposed amendment to article 1 of the Constitution, relative to the right of Indians to buy and sell land.

Referred to the Committee on Indians.

243 — By Mr. Jenks :

A proposed amendment to article 9 of the Constitution, giving certain executive officers of cities, seats in local legislative bodies.

Referred to the Committee on Cities.

244 — By Mr. Sandford :

A proposed amendment to article 9 of the Constitution, relative to the Board of Regents.

Referred to the Committee on Education.

245 — By Mr. Forbes :

A proposed amendment to article 7, section 3 of the Constitution, relating to canals.

Referred to the Committee on Canals.

246 — By Mr. Holls :

A proposed amendment to article 10 of the Constitution, to improve methods of legislation.

Referred to the Committee on Legislative Powers.

247 — By Mr. Lester :

A proposed amendment to article 6, section 13 of the Constitution, relative to the compensation of the judiciary.

Referred to the Committee on Judiciary.

Mr. Vedder, from the Committee on Powers and Duties of the Legislature, to which was referred the overture introduced by Mr. Lauterbach, introductory No. 34, entitled "Proposed constitutional amendment to amend section 1 of article 12, relating to the oaths of officers," etc., reported adversely thereto.

Mr. Goodelle moved to lay said report on the table.

Mr. President put the question on said motion, and it was determined in the negative.

Mr. President put the question on agreeing to said report, and it was determined in the affirmative.

Mr. Parkhurst, from the Committee on County, Town and Village, Officers, to which was referred the constitutional amendment introduced by Mr. R. M. Johnston, introductory No. 62, entitled "An overture to amend section 18, article 6, relating to justices of the peace in cities," and reports back said constitu-

tional amendment with the request that said committee be discharged from the further consideration of said amendment.

Mr. President put the question on the adoption of said report, and it was determined in the affirmative, and said constitutional amendment was referred to the Committee on Cities.

Mr. Root, from the Committee on Judiciary, to which was referred the resolution introduced by Mr. Titus, relative to information from district attorneys, touching the number of appeals in criminal cases taken in their respective counties, reported in favor of the passage of the same, amended so as to read as follows:

Resolved, That the county clerks of the various counties in this State be requested to furnish forthwith to this Convention, a statement showing the number of appeals in criminal cases taken in their respective counties for each of the five years last past.

Mr. President put the question on the adoption of said report, and it was determined in the affirmative,

Mr. President announced the special order, being the subject of printing the evidence taken in the matter of the contests by Harvey W. Putnam and Thomas A. Sullivan, for the seats now held by Charles Beckwith and Herman F. Trapper.

In connection therewith Mr. Cookinham offered the following resolution :

Resolved, That the evidence in the contested election case of Harvey W. Putnam and Thomas A. Sullivan against Charles Beckwith and Herman F. Trapper, shall not be printed.

Mr. Alvord moved the previous question.

Mr. President put the question on the motion of Mr. Alvord, and it was determined in the affirmative.

Mr. President put the question on the resolution offered by Mr. Cookinham, and it was determined in the affirmative.

Mr. Griswold offered a resolution in words following :

Resolved, That in the absence of any printed copies of the evidence in the election contest, that the chairman of the Committee on Contested Elections give into the custody and control of Mr. Trapper, until the termination of said contest, two of the stenographic copies of the evidence.

Mr. McClure moved to amend by adding at the end "that the third copy of such evidence be placed upon the Secretary's desk to-morrow."

Mr. Griswold accepted the amendment.

Mr. Crosby moved the previous question, and it was determined in the affirmative.

Mr. President put the question on the adoption of the resolution offered by Mr. Griswold, as amended, and it was determined in the affirmative.

Mr. Vedder moved that the Convention go into Committee of the Whole on constitutional amendment No. 173, introductory No. 73, entitled "Proposed constitutional amendment to amend section 15 of article 3 of the Constitution, in relation to the passage of bills."

Mr. E. R. Brown moved that the Convention now adjourn.

Mr. President put the question on said motion, and it was determined in the affirmative, and, at 11.15, the Convention adjourned.

Thursday, June 21, 1894.

The Convention met pursuant to adjournment.

Prayer by Rev. A. K. Duff.

The Journal of Wednesday, June twentieth, was read and approved.

Mr. Storm presented the memorial of the Society of Friends in favor of female enfranchisement.

Referred to the Committee on Suffrage.

Mr. Bush presented a petition against female suffrage.

Referred to the Committee on Suffrage.

Mr. Powell presented petitions asking State inspection of certain religious institutions.

Referred to the Committee on Charities.

Mr. Davis presented petitions on the same subject.

Referred to the Committee on Charities.

Mr. Moore presented petitions on the same subject.

Referred to the Committee on Charities.

Mr. Spencer presented a petition on the same subject.

Referred to the Committee on Charities.

Mr. Carter presented a memorial against sectarian appropriations.

Referred to the Committee on Charities.

Mr. President presented petitions from Troy in favor of a Civil Service Reform.

Referred to the Committee on Civil Service.

Mr. C. H. Lewis presented a petition on the same subject.

Referred to the Committee on Civil Service.

Mr. Bigelow presented a petition on the same subject.

Referred to the Committee on Civil Service.

Mr. Dean presented the memorial of the National Reform Association asking the recognition of this as a Christian government.

Referred to the Committee on Preamble.

Mr. Porter presented the resolution of the New York Academy of Medicine and the Medical Club of Buffalo.

Referred to the Committee on County, Town and Village Government.

Mr. President presented a communication from the Clerk of the Court of General Sessions of the Peace for the city and county of New York, in response to a resolution of the Judiciary Committee calling for information from that court, relating to the coroner's office of said city.

Referred to the Committee on Judiciary.

Mr. A. H. Green offered a resolution in words following:

Resolved, That the State Railroad Commission be requested to furnish this Convention with the following information respecting each street and elevated railroad in the cities of New York and Brooklyn, viz.:

Name of road. Capital stock outstanding; actual cash received for capital stock. Bonds outstanding; actual cash received for bonds. Cost of road and equipment; taxes paid during last

fiscal year. Amount paid on account of change of motive power.
Route of road.

Referred to the Committee on Railroads.

Also, the following:

Resolved, That the State Comptroller be respectfully requested to furnish this Convention with a statement of the total amount of inheritance taxes collected in each of the counties of this State; also, the amount of fees paid to each of the county treasurers, and, also, the amount of fees paid to the appraisers appointed by the several surrogates for the purpose of ascertaining the taxable values of the estates during the year 1893.

Referred to the Committee on State Finances and Taxation.

Mr. Lester offered a resolution in words following:

Resolved, That as soon as practicable after the fourth of July the Convention adjourn to the village hall at Saratoga Springs, there to continue in session during the warm weather of July and August, provided suitable arrangements for the accommodation of the Convention can be made and that the Chair appoint a committee of five to investigate the accommodations offered and to report upon their character and sufficiency and to recommend a date for such adjournment.

The resolution, giving rise to debate, was tabled under the rule.

Mr. Cookinham offered a resolution in words following:

Resolved, That when the Convention adjourn on Friday, June twenty-ninth, it be to meet on Monday July ninth, at twelve o'clock noon.

The resolution, giving rise to debate, was tabled under the rule.

Mr. Kellogg offered a resolution in words following:

Resolved, That this Convention request the savings banks or institutions of savings of this State to furnish to the Banking Superintendent upon his demand for same the amount of their unclaimed deposits without delay, and that when such report is completed the Superintendent of Banking transmit the same forthwith to this Convention.

Referred to the Committee on Currency, Banking and Insurance.

Mr. Goodelle offered a resolution in words following:

Resolved, That hereafter this Convention shall assemble at eleven o'clock A. M., instead of ten o'clock, until it shall order otherwise.

The resolution, giving rise to debate, was tabled under the rule.

Mr. Cookinham moved that the courtesies of the Convention be extended to Governor Hogg, of Texas, and to the mayors of the several cities of the State of Texas, who are now visiting in this State, and that a committee be appointed to wait upon the Governor and request his presence in the Convention together with that of his friends.

Mr. President put the question on said motion, and it was determined in the affirmative.

The President appointed Mr. Cookinham as such committee.

Mr. Cookinham appeared in the Convention accompanied by Governor Hogg, and his Texas friends, and the President invited the Governor to a seat by his side.

The Governor then briefly addressed the Convention.

Mr. Becker (by unanimous consent) offered a resolution in words following:

Resolved, That three hundred (300) copies of the resolutions in the Committee on Legislative Organization in reference to the separation of city from State and National elections, be printed for distribution among the members of the committees now engaged in conference with the Cities Committee.

Mr. President put the question on said resolution, and it was determined in the affirmative.

Mr. Acker, from the Committee on Finance and Taxation, to which was referred the resolution introduced by Mr. Kellogg, entitled, "Resolution requesting report of the Comptroller" reported in favor of the same amended so as to read as follows:

"Resolved, That the Comptroller be requested to inform this Convention whether he has any information in his office giving the value of property which is exempt from taxation in this State. If so to give the value of such property duly classified. Also the location of such property by counties and its value."

Mr. President put the question on said motion, and it was determined in the affirmative.

Mr. Hamlin, from the Committee on Printing, made a report relating to the printing for the Convention, pursuant to the resolution offered by Mr. Cookinham, reported in words following:

The Committee on Printing, having had referred to them the following resolution offered by Mr. Cookinham:

Resolved, That the subject of printing and publishing for the Convention, which is not covered by the rules or the directions of the Convention heretofore given, be referred to the Committee on Printing, with instructions to examine and report thereon, at the earliest practical date, as to what should be printed and published, and also the best method of doing the same, and as to whom should be furnished copies thereof, respectfully report as follows:

First.—In regard to the Manual and compilations, your committee are of the opinion that it is not desirable that the pictures of the delegates to this Convention should be distributed as public documents through this and other States, and accordingly offer the following resolution and recommend its adoption:

Resolved, That the 719 volumes of the series known as volume 2, part 1 of the Manual, be distributed among the members of the Convention as follows: To each delegate and to the Secretary of the Convention, four volumes, and the residue to the President, to be disposed of by him as he shall deem proper, and that no more be printed.

Resolved, That the other volumes of said Manual and compilations be distributed as follows: To each of the delegates and to the Secretary of the Convention, three volumes of each series; to the State Library, two volumes; to the Senate library, two volumes; to the Assembly library, two volumes; to the Regents of the University, the residue thereof, to be distributed by them to the public officers, the incorporated colleges and universities of the State, and to exchanges, including one set for each of the States and Territories.

Second.—In reference to the publication, binding and distribution of the documents, and the debates and proceedings of the Convention, your committee offer for your consideration and recommend for adoption the following resolution:

Resolved, That the verbatim report of the proceedings and debates of the Convention which has heretofore been printed and placed on the files of the delegates, should be continued. That hereafter there

should be printed, daily, 800 copies thereof, of which twenty-five copies should be at the disposal of the President, and that in addition thereto 600 copies should be printed and bound and distributed as follows: To each delegate, two copies; to the State Library, five copies; to the Senate library, five copies; to the Assembly library, five copies; to the county clerk of each county, for the library of each county, one copy; to the Regents of the University, the residue of said copies, to be distributed by them to the public offices of the State and the incorporated colleges and universities thereof, and to exchanges, including one set to each of the States and Territories.

Resolved, further, That 600 copies of all documents ordered printed be bound and distributed in like manner.

Resolved, further, That 1,000 copies of all proposed constitutional amendments be printed, of which twenty-five copies shall be at the disposal of the President.

Third.—As to the distribution of the report of the proceedings of the Convention among the newspapers of this State, your committee offer the following preamble and resolution for the consideration of the Convention and recommend its adoption:

Whereas, It is deemed due to the people of this State that full reports of the proceedings of this Convention be published in current form, your Committee on Printing submits the following resolution and recommends its favorable consideration by the Convention:

Resolved, That the Compiler be directed to enter into a contract if possible, with the Journal Company and The Argus Company, respectively, of the city of Albany, on the following conditions, namely, to print the entire proceedings and debates of this Convention, including record of votes by division and roll call, from this date until the close of the Convention, for a sum not exceeding \$7,500 in each newspaper, provided said publishers will agree to mail one copy of their daily issue to the office of each newspaper and periodical in the State of New York, excepting monthly and trade publications, and to provide each member of this Convention with two copies of the newspapers containing the proceedings of this Convention; and, also, provided, that said publishers waive all further claims against the State under their contracts with the Compiler dated April 5, 1894.

Said papers to publish complete, each day, the Convention proceedings of the day before, unless an afternoon or evening session is held, then such afternoon or evening proceedings to be published not later than the second succeeding day.

Resolved, That before the said contract is signed, it be first submitted to the Committee on Printing and receive the approval as to details.

Resolved, That, in the opinion of the committee, the aforesaid contract will give all needful immediate publicity to the proceedings of the Convention, and no other regular distribution of reports or documents will be required during the session of the Convention.

All of which is respectfully submitted as the recommendations of a majority of the committee.

F. H. HAMLIN,
Chairman.

Mr. Alvord moved that said report be laid upon the table and printed and made a special order for Wednesday of next week.

Mr. President put the question on said motion, and it was determined in the affirmative.

Mr. Hamlin moved to reconsider the vote on Mr. Alvord's motion.

Mr. President put the question on said motion, and it was determined in the negative.

248.—Mr. Gibney presented a proposed amendment to article 3 of the Constitution, empowering boards of supervisors to fix the compensation of county and town officers.

Referred to the Committee on County, Town and Village Government.

249.—By Mr. Lester:

A proposed amendment to article 2, section 3 of the Constitution, relating to gaining and losing a residence for the purpose of voting.

Referred to the Committee on Suffrage.

250.—By Mr. Pratt:

A proposed amendment to article 7, section 14 of the Constitution, relating to limitations of claims against the State.

Referred to the Committee on Judiciary and also to Canals.

By unanimous consent, Mr. Marks moved that the proposed constitutional amendment, No. 15, introductory No. 15, entitled "Proposed amendment to section 7 of article 1, relating to the

taking of private property for public use," which was referred to the Committee on Judiciary, be also referred to the Committee on Preamble.

Mr. President put the question on said motion, and it was determined in the affirmative.

Mr. Vedder moved that the Convention go into Committee of the Whole for the consideration of the proposed constitutional amendment, No. 173, introductory No. 73, entitled "Proposed constitutional amendment to amend section 15 of article 3 of the Constitution, in relation to the passage of bills."

Mr. President put the question on said motion, and it was determined in the affirmative.

And the Convention proceeded in Committee of the Whole to the consideration of said constitutional amendment, and, after some time spent therein, Mr. Alvord, from said committee, reported progress in the same, and asked and obtained leave to sit again.

Mr. President announced the substitution of E. C. Cuyler in place of E. S. Luther, as correspondent of the New York Press.

On motion of Mr. Root, at 11.45, the Convention adjourned.

Friday, June 22, 1894.

The Convention met pursuant to adjournment.

Prayer by Rev. DeWitt G. Rockefeller.

The Journal of Thursday, June twenty-first, was read and approved.

Mr. President presented petitions from citizens of Brooklyn in favor of civil service reform.

Referred to the Committee on Civil Service.

Mr. E. A. Brown presented the petition of 2,250 citizens of Herkimer county in favor of female suffrage.

Referred to the Committee on Suffrage.

Mr. Baker presented the memorial of the Oswego County Lodge of Good Templars on the same subject.

Referred to the Committee on Suffrage.

Mr. Francis presented petitions asking State inspection of certain religious institutions.

Referred to the Committee on Charities.

Mr. Platzek presented the petition of 1,122 citizens of New York in favor of female suffrage.

Referred to the Committee on Suffrage.

Mr. Mulqueen offered a resolution in words following:

Resolved, That the Secretary furnish the representatives of the press, attending the Convention, a copy of each proposed amendment and of the Journal, as soon as printed.

Mr. President put the question on said resolution, and it was determined in the affirmative.

Mr. Lester moved that the resolution offered by him yesterday relating to the holding of the Convention in Saratoga, be made a special order for Thursday, June twenty-eighth.

Mr. Mulqueen moved the previous question.

Mr. President put the question on said motion, and it was determined in the affirmative.

Mr. President put the question on the motion of Mr. Lester, and it was determined in the affirmative, two-thirds of all the Delegates elected to the Convention voting in favor thereof.

Mr. McDonough gave notice that he would move a call of the house on Thursday next, when the Saratoga resolution comes up for consideration.

Mr. Hamlin offered a resolution in words following:

Resolved, That there be printed for the files of the Convention 500 copies of the proposed constitutional amendment, No. 69, in addition to the number heretofore printed.

Mr. President put the question on said resolution, and it was determined in the affirmative.

Leave of absence was granted to Messrs. McKinstry, Moore, Holls and Woodward for Tuesday next. To Messrs. Hamlin, Mullen, Redman, Pratt, Abbott, Hill and Deady, for Tuesday and Wednesday next, and to Messrs. Holcomb and Giegerich for next week.

Mr. E. A. Brown moved that a copy of the debates and proceedings of the Convention be sent to the Dolgeville library.

Said resolution, giving rise to debate, was tabled under the rule.

Mr. Jesse Johnson moved that a copy of the debates and proceedings of the Convention be sent to the Kings county law library.

Said resolution, giving rise to debate, was tabled under the rule.

Mr. Manley moved that a copy of the debates and proceedings of the Convention be sent to the Queens county law library.

Said resolution, giving rise to debate, was tabled under the rule.

Mr. Acker moved that a copy of the debates and proceedings of the Convention be sent to all the libraries in the State.

Said resolution, giving rise to debate, was tabled under the rule.

By unanimous consent, Mr. Becker moved that the vote by which the contested election case, Putnam and Sullivan v. Trapper and Beckwith, was made a special order for Wednesday next, be reconsidered.

Mr. President put the question on said motion, and it was determined in the affirmative, two-thirds of all the Delegates elected to the Convention voting in favor thereof.

Mr. Becker moved that said subject be made a special order for Thursday next, June twenty-eighth.

Mr. President put the question on said motion, and it was determined in the affirmative, two-thirds of all the Delegates elected to the Convention voting in favor thereof.

By unanimous consent, Mr. Alvord moved that the vote by which the report of the Committee on Printing was made a special order for Wednesday next, June twenty-seventh, be reconsidered.

Mr. President put the question on said motion, and it was determined in the affirmative, two-thirds of all the Delegates elected to the Convention voting in favor thereof.

Mr. Alvord then moved that said subject be made a special order for Thursday next, June twenty-eighth, immediately after the consideration of the special order previously made.

Mr. President put the question on said motion, and it was determined in the affirmative, two-thirds of all the Delegates elected to the Convention voting in favor thereof.

251.—Mr. Holls presented a proposed amendment to article 8 of the Constitution, against State appropriations for sectarian schools.

Referred to the Committee on Education.

252.—By Mr. Cassidy:

A proposed amendment to article 7, sections 1 to 5 of the Constitution, in relation to the canal debt and the maintenance of canals.

Referred to the Committee on Canals and also to State Finances and Taxation.

253.—By Mr. W. H. Nichols:

A proposed amendment to article 2, section 4 of the Constitution, relating to registration of voters.

Referred to the Committee on Suffrage.

254.—By Mr. Hawley:

A proposed amendment to article 8, section 1 of the Constitution, restricting the creation of corporations by special act.

Referred to the Committee on Legislature, its Powers and Duties.

255.—By Mr. O. A. Fuller:

A proposed amendment to article 3, section 20 of the Constitution, relating to taxation.

Referred to the Committee on State Finances and Taxation.

Mr. Acker, from the Committee on State Finances and Taxation, to which was referred the resolution introduced by Mr. A. H. Green, entitled "a resolution calling upon the Comptroller for a statement of the local amount of inheritance taxes collected in each of the counties; also, amount of fees paid each county treasurer; also, amount of fees paid to the appraisers appointed by the several surrogates, for the purpose of ascertaining the taxable values of estates during the year 1893, reported in favor of passage of same without amendment, and recommend its adoption in words following:

“Resolved, That the State Comptroller be respectfully requested to furnish this Convention with a statement of the total amount of inheritance taxes collected in each of the counties of this State; also the amount of fees paid to each of the county treasurers, and also the amount of fees paid to the appraisers appointed by the several surrogates for the purpose of ascertaining the taxable values of the estates during the year 1893.”

Mr. President put the question on said report, and it was determined in the affirmative.

Mr. J. Johnson, from the Committee on Cities, to which was referred the resolution introduced by Mr. Cady, entitled “resolution asking information of the mayors of cities, reported in favor of the same with amendment and recommended its adoption in words following:

“Resolved, That the Secretary forthwith request the mayor of each city in the State except New York and Brooklyn, to state to the Convention in writing on or before the 29th day of June, 1894, the date on which municipal elections in his city are provided by law to be held; and whether any change in the date of such elections has been made within the ten years last past, and if so what change and whether any unsuccessful attempt has been made within that period to change such date by bill introduced in the Legislature, and if such change has been so suggested the date on which it was proposed to hold such elections.

“Resolved, That when such information shall have been received, the answers of the respective mayors shall be printed as one document and be placed on the files of the Convention without further order.”

Mr. President put the question on the adoption of said report, and it was determined in the affirmative.

Mr. J. Johnson, from the Committee on Cities, to which was referred the resolution introduced by Mr. A. H. Green, entitled “resolution asking for information of mayors of New York and Brooklyn concerning street railways, reported in favor of the same, with some amendments, and recommended its adoption in words following:

“Resolved, That the mayors of the cities of New York and Brooklyn be requested to communicate to this Convention a

statement showing the names of all the companies owning or claiming to own or operate surface or elevated railways in said cities. The amount of the capital stock of said companies respectively. The amount of bonds issued by said companies respectively. The cost of said railways respectively. The line and route operated by these railways respectively, so far as such information is within their control, also that they report the amount of fees, licenses or percentages paid annually to the said city by each of said companies. The total amount of such percentages, fees or licenses paid to the city of New York by the Metropolitan Traction Company. The names of foreign corporations leasing or operating railways in said cities. The amount of fees, licenses or percentages due to the said cities, respectively, by said companies respectively, and the length of time they have remained unpaid. The amount paid or agreed to be paid by any of said companies on a change of its motive power. The present market price of the stock of said companies, respectively. And whether the rights, privileges or franchises of said companies, respectively, were obtained from the Legislature, or from the city authorities."

Mr. President put the question on the adoption of said report as amended, and it was determined in the affirmative.

Mr. Hedges, from the Committee on Militia and Military Affairs, to which was referred the communication from Mr. L. C. De Hornergen, regarding the terms of office of "Honorably Discharged Soldiers, Sailors and Marines of the Late War," reported the same back, requesting that it be referred to the Special Committee on Civil Service.

Mr. President put the question on the adoption of said report, and it was determined in the affirmative.

Said communication was so referred.

Mr. Goodelle, from the Committee on Suffrage, to which was referred the resolution introduced by Mr. Lincoln, entitled "resolution requesting Congress to recommend and submit to the several States a proposed amendment to the National Constitution requiring all voters to be citizens," reported adversely thereto.

Mr. Goodelle moved that said report be made a special order for Thursday next, June twenty-eighth.

Mr. President put the question on said motion, and it was determined in the affirmative, two-thirds of all the Delegates elected to the Convention voting in favor thereof.

By unanimous consent, Mr. Root offered a resolution in words following:

"Resolved, That the Committee on Rules be and it is directed to report, for the consideration of the Convention, a rule fixing a day after which propositions to amend the Constitution will not be received and printed without special leave of the Convention."

Mr. President put the question on said resolution, and it was determined in the affirmative.

Mr. Vedder, from the Committee on Powers and Duties of the Legislature, to which was referred the constitutional amendment introduced by Mr. Doty, introductory No. 124, entitled "Proposed constitutional amendment to amend section 18 of article 3 of the Constitution, to prevent passage of local or private acts in form of amendment to general laws," reported adversely thereto, which report was agreed to.

By unanimous consent, Mr. Root offered a resolution in words following:

"Resolved, That the Committee on Judiciary be discharged from further consideration of proposed constitutional amendment No. 184, relating to the use of voting apparatus; and that the same be referred to the Committee on Suffrage."

Mr. President put the question on said resolution, and it was determined in the affirmative.

Said constitutional amendment was so referred.

By unanimous consent, Mr. Nichols offered a resolution in words following:

"Resolved, That whenever a committee shall have acted adversely in any proposed amendment to the Constitution, such committee shall not report such adverse determination unless requested in writing by the members introducing such amendment, so to do."

Referred to the Committee on Rules.

On motion of Mr. Barhite, at 11.10, the Convention adjourned.

Tuesday, June 26, 1894.

The Convention met pursuant to adjournment.

First Vice-President Alvord in the chair.

Prayer by Rev. Charles A. Alden.

The Journal of Friday, June twenty-second, was read and approved.

Mr. Bigelow offered a resolution in words following:

Whereas, An atrocious crime has been perpetrated upon the soil of a sister republic, which has caused one of the foremost of the nations to mourn, and shocked the civilized world.

The President of France, while the guest of the principal industrial city of that republic and receiving the enthusiastic homage of its citizens, confiding, as he was abundantly warranted in doing, in their affection and loyalty, has been fatally stricken by the murderous knife of an alien assassin. Mindful of the austere virtue and personal dignity of the illustrious victim; mindful of the wise, prudent and patriotic administration of the government over which he so successfully presided, in the indirect benefits of which every nationality participated; mindful too of our incalculable obligations to the people who were first to extend the hand of fellowship to our infant republic in its extremity and to welcome it into the family of nations.

Therefore, be it Resolved, That we, the people of the State of New York, in Constitutional Convention assembled, respectfully request the Senators from this State, in the Congress of the United States, to have conveyed, through appropriate channels, to the bereaved family of the late President Carnot and to the government of which he was at once the ornament and protector, the assurance of our sympathy and of the profound indignation which the dastardly crime to which he has fallen a victim, has inspired the members of this Convention and the people of this Commonwealth.

Extended remarks being made by Messrs. Bigelow, Root, Vedder, Storm and McClure.

Mr. President put the question on said resolution, and the same was unanimously adopted by a rising vote.

Mr. Powell presented the petition of citizens of Kings county in favor of female suffrage.

Referred to the Committee on Suffrage.

Mr. Barhite presented the memorial of citizens of Monroe county against sectarian appropriations.

Referred to the Committee on Charities.

Mr. Tucker presented the memorial and petition of the National Christian League for the promotion of social purity in favor of female suffrage.

Referred to the Committee on Suffrage.

Mr. Porter presented the memorial of the Erie County Medical Society relative to the qualifications of coroner.

Referred to the Committee on County, Town and Village Officers.

Mr. McArthur presented the petition of the Glens Falls Typographical Union against convict labor.

Referred to the Committee on State Prisons.

Mr. President presented petitions of citizens of New York in favor of civil service.

Referred to the Committee on Civil Service.

Mr. McLaughlin, from the Committee on County, Town and Village government, offered a resolution in words following:

Resolved, That the Committee on County, Town and Village Government be discharged from further consideration of proposed constitutional amendment No. 88, relating to suffrage, and that the same be referred to the Committee on Suffrage.

Mr. President put the question on said resolution, and it was determined in the affirmative.

256.—Mr. C. H. Truax presented a proposed amendment to article 14 of the Constitution, relative to the time at which the amended Constitution shall go into effect.

Referred to the Committee on Constitutional Amendments.

257.—By Mr. Burr:

A proposed amendment to article 8 of the Constitution, relative to corporations.

Referred to the Committee on Railroads; also Industrial Interests.

258.—By Mr. Lauterbach:

A proposed amendment to article 2 of the Constitution, relative to suffrage.

Referred to the Committee on Suffrage.

259.—Also, a proposed amendment to the Constitution creating a State Board of Charities.

Referred to the Committee on Charities.

260.—By Mr. Van Denbergh:

A proposed amendment to article 6 of section 13 of the Constitution relative to the official terms and compensation of justices of the Supreme Court and Court of Appeals.

Referred to the Committee on Judiciary.

261.—By Mr. Goodelle:

A proposed amendment to article 1, section 6 of the Constitution, relative to the right of defendants in criminal prosecutions to be confronted with the witnesses against them.

Referred to the Committee on Preamble.

On motion of Mr. Kellogg, at 11.05, the Convention adjourned.

Wednesday, June 27, 1894.

The Convention met pursuant to adjournment.

First Vice-President Alvord in the chair.

Prayer by Rev. J. H. Messenger.

The Journal of Tuesday, June twenty-sixth, was read and approved.

Mr. Durfee presented a petition in favor of civil service.

Referred to the Committee on Civil Service.

Mr. Hirschberg presented a petition on the same subject.

Referred to the Committee on Civil Service.

Also, the memorial of citizens of Hamlin, N. Y., asking the taxation of church property.

Referred to the Committee on Charities.

Mr. Durfee presented the memorial of the Eastern Wayne Christian Endeavor Union against sectarian appropriations.

Referred to the Committee on Charities.

Mr. Lincoln presented a petition of citizens of Cattaraugus county in favor of female suffrage.

Referred to the Committee on Suffrage.

Mr. Mereness presented the petition of citizens of Lewis county in favor of female suffrage.

Referred to the Committee on Suffrage.

Mr. Meyenborg offered a resolution in words following:

Resolved, That the Superintendent of the Capitol be and he hereby is requested to have the water tanks in the Convention Chamber supplied with pure spring water at an expense not to exceed two dollars per day, to be paid out of the contingent fund of this Convention.

Referred to the Committee on Contingent Expenses.

Mr. Cookinham called up the resolution previously offered by him, in words following:

Resolved, That when the Convention adjourns on Friday, June twenty-ninth, it be to meet on Monday, July ninth, at 12 o'clock, noon.

Mr. Lincoln offered the following as a substitute:

Resolved, That when this Convention adjourns on Friday, the twenty-ninth inst., it be to meet on Thursday, July fifth, at 10 o'clock A. M.

Mr. Goodelle moved that the subject lay upon the table and that it be made a special order for Thursday morning immediately after the reading of the Journal.

Mr. President put the question on said motion, and it was determined in the negative, two-thirds of all the Delegates elected to the Convention not voting.

Mr. President put the question on the substitute offered by Mr. Lincoln, and it was determined in the negative.

Mr. Vedder moved that the subject be postponed until to-morrow morning, and that it be made a special order for half past ten o'clock.

Mr. President put the question on the motion of Mr. Vedder, and it was determined in the negative.

Ayes — Messrs. Alvord, Arnold, Baker, Barnum, Barrow, Brown, E. A.; Brown, E. R.; Cady, Carter, Church, Coleman, Davies, J. C.; Durfee, Faber, Floyd, Foote, Francis, Fuller, C. A.; Fuller, O. A.; Gilbert, Goeller, Goodelle, Hedges, Lewis, C. H.; Lyon, Marshall, McMillan, Powell, Riggs, Rogers, Smith, Steele, W. H.; Truax, C. H.; Van Denbergh, Vedder, Vogt, Wellington — 37.

Noes — Messrs. Acker, Ackerly, Banks, Barhite, Bigelow, Blake, Bowers, Burr, Bush, Campbell, Cassidy, Chipp, Jr.; Clark, G. W.; Clark, H. A.; Cochran, Cookinham, Cornwell, Crosby, Curran, Danforth, Davenport, Davis, G. A.; Dean, Deyo, Dickey, Doty, Durnin, Emmet, Farrell, Fields, Fitzgerald, T. W.; Forbes, Galinger, Gibney, Gilleran, Green, A. H.; Green, J. I.; Griswold, Herzberg, A.; Hirschberg, M. H.; Holls, Hotchkiss, Hottenroth, Jenks, Johnson, I. Sam; Johnson, J.; Kellogg, Kimmey, Lauterbach, Lester, Lewis, M. E.; Lincoln, Mantanye, Marks, Maybee, McArthur, McClure, McCurdy, McDonough, McLaughlin, C. B.; Mereness, Meyenborg, Morton, Mullen, Mulqueen, Nichols, W. H.; Nicoll, De L.; Ohmeis, Osborn, Parker, Parmenter, Peabody, Peck, Phipps, Platzek, Pool, Porter, Roche, Roderick, Spencer, Springweiler, Steele, A. B.; Storm, Sullivan, Tibbetts, Titus, Towns, Truax, C. S.; Tucker, Turner, Veeder, Whitmyer, Wiggins, Williams, Woodward — 95.

Mr. Bowers offered as a substitute the following:

Resolved, That when this Convention adjourns on Friday next, it shall adjourn to Thursday, July fifth, at 10 o'clock A. M., and that this Convention also sit on Saturday of next week.

Mr. Crosby moved the previous question.

Mr. President put the question on ordering the previous question, and it was determined in the affirmative.

Mr. President put the question on the motion of Mr. Bowers, and it was determined in the affirmative.

Ayes — Messrs. Ackerly, Arnold, Baker, Banks, Barhite, Barnum, Bigelow, Blake, Bowers, Burr, Bush, Carter, Chipp, Jr.; Clark, H. A.; Cochran, Coleman, Cookinham, Crosby, Curran, Danforth, Davenport, Deyo, Durfee, Durnin, Emmet, Faber, Farrell, Fields, Floyd, Forbes, Fraser, Galinger, Gilleran, Goeller, Green, A. H.; Griswold, Herzberg, A.; Holls, Hotchkiss, Johnson, J.; Kerwin, Kimmey,

Lauterbach, Lincoln, Manley, Marshall, Maybee, McMillan, Meyenberg, Nichols, W. H.; Nicoll, De L.; Ohmeis, Parker, Peabody, Peck, Platzek, Riggs, Roche, Roderick, Rogers, Smith, Storm, Tibbetts, Titus, Towns, Truax, C. H.; Truax, C. S.; Tucker, Veeder, Vogt, Williams, Woodward — 72.

Noes — Messrs. Alvord, Barrow, Brown, E. A.; Brown, E. R.; Cady, Campbell, Cassidy, Church, Cornwell, Davies, J. C.; Davis, G. A.; Dean, Dickey, Doty, Fitzgerald, T. W.; Foote, Francis, Fuller, C. A.; Fuller, O. A.; Gibney, Gilbert, Goodelle, Green, J. I.; Hedges, Hirschberg, M. H.; Hottenroth, Jenks, Johnson, I. Sam; Kellogg, Lester, Lewis, C. H.; Lewis, M. E.; Lyon, Mantanye, Marks, McArthur, McClure, McCurdy, McDonough, McLaughlin, C. B.; Mereness, Morton, Mullen, Mulqueen, Osborn, Phipps, Pool, Porter, Powell, Spencer, Springweiler, Steele, A. B.; Steele, W. H.; Sullivan, Turner, Van Denbergh, Vedder, Wellington, Whitmyer, Wiggins — 60.

Mr. President put the question on the resolution of Mr. Cookinham, as amended by Mr. Bowers, and it was determined in the negative.

Ayes — Messrs. Ackerly, Arnold, Baker, Banks, Barbite, Bigelow, Blake, Bowers, Brown, E. R.; Burr, Bush, Carter, Clark, G. W.; Clark, H. A.; Cochran, Coleman, Cookinham, Cornwell, Crosby, Curran, Danforth, Davenport, Deyo, Durnin, Emmet, Faber, Farrell, Fields, Forbes, Francis, Galinger, Gilleran, Goeller, Holls, Hotchkiss, Johnson, J.; Kellogg, Kerwin, Kimmey, Lauterbach, Lincoln, Manley, Marshall, McMillan, Meyenberg, Nichols, W. H.; Nicoll, De L.; Ohmeis, Parmenter, Peck, Platzek, Riggs, Roche, Roderick, Rogers, Smith, Tibbetts, Titus, Truax, C. H.; Truax, C. S.; Tucker, Veeder, Vogt, Williams, Woodward — 65.

Noes — Messrs. Alvord, Barnum, Barrow, Brown, E. A.; Cady, Campbell, Cassidy, Church, Davies, J. C.; Davis, G. A.; Dean, Dickey, Doty, Durfee, Fitzgerald, T. W.; Floyd, Foote, Fraser, Fuller, C. A.; Fuller, O. A.; Gibney, Gilbert, Goodelle, Green, A. H.; Green, J. I.; Griswold, Hedges, Hirschberg, M. H.; Hottenroth, Jenks, Johnson, I. Sam; Lewis, C. H.; Lewis, M. E.; Lyon, Mantanye, Marks, Maybee, McArthur, McClure, McCurdy, McDonough, McLaughlin, C. B.; Mereness, Morton, Mullen, Mulqueen, Osborn, Parker, Peabody, Phipps, Pool, Porter, Powell, Spencer, Springweiler, Steele, A. B.; Steele, W. H.; Storm, Sullivan, Towns, Turner, Van Denbergh, Vedder, Wellington, Whitmyer, Wiggins — 66.

Mr. Doty offered a resolution in words following:

Resolved, That the Sergeant-at-Arms be directed immediately to place in the Assembly corridor a blackboard, designating thereon the names of the several standing and select committees, places of meeting and time of regular meetings, and a daily announcement of special meetings of the committees.

By unanimous consent, Mr. President put the question on said resolution, and it was determined in the affirmative.

Mr. Marshall, from the Committee on Judiciary, to which was referred the presentment by the grand jury of New York county, in relation to the coroners' office, report that they have considered the same and return it to the Convention with the recommendation that it be referred to the Committee on County, Town and Village Officers, which committee has under consideration the proposed amendment relating to the office of coroner.

Mr. President put the question on the adoption of said report, and it was determined in the affirmative.

262.— Mr. Goeller presented a proposed amendment to the Constitution to protect innocent purchasers of real estate.

Referred to the Committee on Preamble.

263.— By Mr. Tucker:

A proposed amendment to article 1 of the Constitution, relating to the committal of arrested jurors.

Referred to the Committee on Preamble.

264.— Also, a proposed amendment to article 1 of the Constitution, relative to the punishment of inmates of prisons and asylums.

Referred to the Committee on Preamble.

265.— By Mr. Cady:

A proposed amendment to article 8 of the Constitution, relative to the laws for the organization of cities.

266.— By Mr. Parmenter:

A proposed amendment to article 6, sections 2 and 21 of the Constitution, relative to the number of judges of the Court of Appeals and their tenure of office.

Referred to the Committee on Judiciary.

267.—By Mr. A. B. Steele:

A proposed amendment to article 6 of the Constitution, relating to county and other lower courts.

Referred to the Committee on Judiciary.

268.—By Mr. Cornwell:

A proposed amendment to article 8 of the Constitution, prohibiting sectarian appropriations.

Referred to the Committee on Charities, also Education.

269.—By Mr. Vedder:

A proposed amendment to article 4, section 7, relative to official succession.

Referred to the Committee on Legislative Powers.

Mr. Vedder, from the Committee on Powers and Duties of the Legislature, to which was referred the proposed constitutional amendment introduced by Mr. McMillan, introductory No. 11, entitled proposed constitutional amendment to amend section 16 of article 3 of the Constitution of the State of New York, relating to legislation, reported in favor of the passage of the same, which report was agreed to and said amendment committed to the Committee of the Whole.

Mr. George A. Davis, from the Committee on Banking and Insurance, to which was referred the resolution introduced by Mr. Kellogg, on Thursday, June twenty-first, reported in favor of the same without amendment, in words following:

Resolved, That this Convention request the savings banks or institutions of savings of this State to furnish to the Superintendent of Banking, upon his demand for same, the amount of their unclaimed deposits, without delay, and that when such report is completed the Superintendent of Banking transmit the same forthwith to this Convention.

Mr. President put the question on said resolution, and it was determined in the affirmative.

On motion of Mr. Banks, at 11.27, the Convention adjourned.

Thursday, June 28, 1894.

The Convention met pursuant to adjournment.

Prayer by Rev. A. K. Duff.

The Journal of Wednesday, June twenty-seventh, was read and approved.

Mr. President presented a memorial from the New York Committee for the prevention of State regulation of vice.

Referred to the Committee on Legislative Powers.

Also, petitions in favor of civil service.

Referred to the Committee on Civil Service.

Also, a memorial in favor of taxing the liquor traffic.

Referred to the Committee on Legislative Powers.

Also, a memorial from the Dobbs Ferry Republican Club, favoring an amendment to the Constitution relative to apportionment.

Referred to the Committee on Legislative Organization.

Mr. McDonough presented a petition, a third of a mile long, of 73,000 women of the State in favor of the enfranchisement of women and the suppression of the traffic in intoxicating liquors.

Referred to the Committee on Suffrage, also Legislative Powers.

270.—Mr. Phipps presented a proposed amendment to article 9 of the Constitution, relating to the common school fund.

Referred to the Committee on Education.

271.—By Mr. Smith:

A proposed amendment to article 6 of the Constitution in relation to the judiciary.

Referred to the Committee on Judiciary.

272.—By Mr. A. H. Green (by request):

A proposed amendment to article 6, section 21 of the Constitution, forbidding certain judicial officers from practicing law.

Referred to the Committee on Judiciary.

273.—By Mr. Mantanye:

A proposed amendment to article 4, section 1 of the Constitution, relating to the election and official term of the Governor and Lieutenant-Governor of the State.

Referred to the Committee on Governor and other State Officers.

Mr. President presented a communication from the Comptroller transmitting, pursuant to the resolution of June twenty-second, a statement of the total amount of collateral inheritance tax collected in each of the counties of this State; also the amount of fees paid to each of the county treasurers, and the amount of money paid in fees to the appraisers appointed by the several surrogates, in words following:

STATE OF NEW YORK:

Comptroller's Office,

Albany, June 26, 1894.

To the Constitutional Convention, Albany, N. Y.:

Gentlemen.—I have the honor to transmit herewith a statement of the total amount of collateral inheritance tax collected in each of the counties of this State; also the amount of fees paid to each of the county treasurers, and the amount of money paid in fees to the appraisers appointed by the several surrogates, in conformity with the resolution of your honorable body, passed June 22, 1894.

Very respectfully yours,

JAMES A. ROBERTS,

Comptroller.

Niagara.....	2,759 52	137 95	107 49	350 00	.....	2,164 08
Oneida.....	14,381 80	718 53	1,139 55	24 08	200 00	12,209 14
Onondaga.....	26,756 85	1,343 60	913 70	.....	764 00	23,735 55
Ontario.....	16,236 18	832 53	230 27	.....	.....	15,173 88
Orange.....	23,212 86	1,160 62	847 59	.....	.....	21,104 65
Orleans.....	6,663 79	330 07	248 67	.....	200 00	5,885 05
Oswego.....	4,753 58	237 67	143 22	.....	.....	4,372 69
Otsego.....	4,636 51	231 77	664 74	.....	.....	3,740 00
Putnam.....	6,610 68	330 51	217 27	.....	.....	6,062 90
Queens.....	23,151 43	1,157 44	785 77	.....	.....	21,208 22
Rensselaer.....	8,949 02	447 44	732 00	.....	.....	7,769 58
Richmond.....	25,976 37	1,298 82	167 29	.....	.....	24,510 26
Rockland.....	2,106 41	105 31	57 00	.....	.....	1,944 10
Saratoga.....	26,953 29	1,347 56	1,332 46	.....	307 89	23,965 88
Schenectady.....	7,081 14	351 03	314 12	.....	.....	6,412 99
Scholarie.....	2,533 49	134 16	82 15	.....	25 00	2,442 18
Schuyler.....	507 02	25 36	33 00	.....	46 00	402 66
Seneca.....	1,050 14	72 52	59 92	.....	.....	957 70
St. Lawrence.....	13,995 93	690 80	237 52	.....	.....	12,995 61
Seuben.....	2,978 84	148 97	221 85	.....	496 01	2,112 01
Suffolk.....	20,869 57	1,043 41	306 89	.....	.....	19,519 27
Sullivan.....	2,106 80	105 40	42 00	.....	.....	1,958 80
Tioga.....	3,954 94	197 63	385 68	.....	.....	3,371 63
Tompkins.....	6,882 30	344 08	382 91	.....	.....	5,994 82
Ulster.....	4,814 00	242 21	136 92	.....	.....	4,464 87
Warren.....	19,178 10	958 89	659 17	.....	.....	17,559 24
Washington.....	6,554 14	317 78	202 96	.....	.....	6,033 40
Wayne.....	4,877 85	243 89	145 89	.....	.....	4,488 07
Westchester.....	48,789 50	2,083 09	1,010 92	.....	int. 7 31	45,690 49
Wyoming.....	1,622 66	81 13	200 63	.....	.....	1,340 90
Yates.....	426 52	21 33	24 00	.....	84 50	296 69
	\$3,297,418 80	\$64,401 32	\$49,727 30	\$5,156 57	\$38,080 71	\$3,071,687 09
						\$73,409 95

RECAPITULATION.

Total tax received.....	\$3,297,418 80	Paid Treasurers' fees.....	\$64,401 32
Interest on deposits.....	5,044 14	Paid Appraiser's fees.....	49,727 30
		Paid refundings.....	5,156 57
		Paid clerk hire, counsel fees and disbursements...	38,080 71
		Paid State Treasurer prior to Sept. 30, 1893.....	3,071,687 09
		Paid State Treasurer subsequent to Sept. 30 to balance	73,409 95
	<u>\$3,302,463 94</u>		<u>\$3,302,462 94</u>

Referred to the Committee on State Finances and Taxation.

Mr. A. H. Green moved that said communication be printed.

Mr. President put the question on said motion, and it was determined in the affirmative.

Mr. Storm moved to reconsider the vote by which the resolution offered by Mr. Cookinham, as amended by Mr. Bowers, relating to adjourning over the Fourth of July week, was lost.

Mr. Maybee moved to lay the motion on the table.

Mr. President put the question on said motion, and it was determined in the affirmative.

Mr. Kellogg moved the previous question.

Mr. President put the question on said motion, and it was determined in the affirmative.

Mr. President then put the question on the motion of Mr. Storm, and it was determined in the affirmative.

Ayes — Messrs. Ackerly, Banks, Blake, Bowers, Burr, Bush, Campbell, Carter, Clark, G. W.; Clark, H. A.; Cochran, Coleman, Cookinham, Countryman, Crosby, Curran, Danforth, Davenport, Deady, Deyo, Doty, Durnin, Emmet, Faber, Forbes, Frank, Andrew; Fraser, Galinger, Gibney, Gilleran, Goeller, Green, A. H.; Griswold, Hecker, Hottenroth, Jacobs, Jenks, Johnston, R. M.; Kellogg, Kerwin, Kimmey, Lauterbach, Lester, Lincoln, Marks, Marshall, McClure, McIntyre, McKinsty, McLaughlin, C. B.; Meyenborg, Moore, Mullen, Mulqueen, Nichols, W. H.; Ohmeis, Osborn, Parker, Parmenter, Peabody, Phipps, Platzek, Porter, Redman, Riggs, Roche, Roderick, Rogers, Rowley, Smith, Speer, Springweiler, Tibbetts, Towns, Truax, C. S.; Tucker, Turner, Veeder, Williams, Woodward — 80.

Noes — Messrs. Alvord, Arnold, Baker, Barhite, Barnum, Barrow, Becker, Bigelow, Brown, E. A.; Brown, E. R.; Cady, Cassidy, Chipp, Jr.; Church, Cornwell, Davis, G. A.; Dean, Dickey, Durfee, Farrell, Floyd, Foote, Francis, Fuller, C. A.; Fuller, O. A.; Gilbert, Goodelle, Hamlin, Hawley, Hedges, Hill, Hirschberg, M. H.; Holls, Johnson, I. Sam; Johnson, J.; Lewis, C. H.; Lewis, M. E.; Lyon, Manley, Mantanye, Maybee, McArthur, McCurdy, McDonough, McMillan, Mereness, Morton, O'Brien, Parkhurst, Peck, Pool, Powell, Pratt, Root, Spencer, Steele, A. B.; Storm.

Sullivan, Tekulsky, Truax, C. H.; Van Denbergh, Vedder, Vogt, Wellington, Whitmyer, Wiggins, President — 67.

When the name of Mr. W. H. Steele was called he asked to be and was excused from voting.

Mr. Storm moved to strike out the word "ten" and insert in lieu thereof the word "eleven," and also strike out all of said substitute in words following: "And that this Convention also sit on Saturday of next week."

Mr. Mullin moved the previous question.

Mr. President put the question on the motion of Mr. Mullin, and it was determined in the affirmative.

Mr. President put the question on the motion of Mr. Storm, and it was determined in the affirmative.

Ayes — Messrs. Ackerly, Banks, Bigelow, Blake, Bowers, Burr, Bush, Campbell, Carter, Chipp, Jr.; Clark, G. W.; Clark, H. A.; Cochran, Coleman, Cookinham, Cornwell, Countryman, Curran, Danforth, Davenport, Deady, Deyo, Dickey, Doty, Durin, Emmet, Faber, Farrell, Forbes, Frank, Andrew; Fraser, Gibney, Gilleran, Goeller, Green, A. H.; Griswold, Hecker, Hottenroth, Jacobs, Jenks, Johnston, R. M.; Kellogg, Kerwin, Kimmey, Lauterbach, Lester, Lincoln, Marks, Marshall, McClure, McKinstry, McLaughlin, C. B.; Meyenborg, Moore, Mullen, Mulqueen, Ohmeis, Osborn, Parker, Parmenter, Peabody, Phipps, Platzek, Porter, Pratt, Redman, Riggs, Roche, Roderick, Rogers, Rowley, Smith, Speer, Springweiller, Storm, Tibbetts, Titus, Towns, Truax, C. H.; Truax, C. S.; Tucker, Turner, Veeder, Vogt, Williams, Woodward — 86.

Noes — Messrs. Abbott, Alvord, Arnold, Baker, Barhite, Barnum, Barrow, Becker, Brown, E. A.; Brown, E. R.; Cady, Cassidy, Church, Crosby, Davis, G. A.; Dean, Durfee, Floyd, Foote, Francis, Fuller, C. A.; Fuller, O. A.; Galinger, Gilbert, Goodelle, Hamlin, Hawley, Hedges, Hill, Hirschberg, M. H.; Holls, Johnson, I. Sam; Johnson, J.; Lewis, C. H.; Lewis, M. E.; Lyon, Manley, Mantanye, Maybee, McArthur, McCurdy, McDonough, McIntyre, McMillan, Mereness, Morton, Nichols, W. H.; O'Brien, Parkhurst, Peck, Pool, Powell, Root, Spencer, Steele, A. B.; Sullivan, Tekulsky, Van Denbergh, Vedder, Wellington, Whitmyer, Wiggins, President — 63.

Mr. President put the question on the adoption of said resolution, as amended, and it was determined in the affirmative.

Mr. McLaughlin offered a resolution in words following:

Resolved, That the clerk of the Court of Appeals be requested to furnish to this Convention, on or before July ninth, a statement as to the time when the present calendar of the Court of Appeals was made up; the number of causes then placed thereon; the number of causes since added thereto; the causes since argued and disposed of, and the number of causes now remaining on said calendar undisposed of; that said clerk also furnish a statement of the number of appeals taken to and filed in said court since said calendar was made up and not now on said calendar.

Referred to the Committee on Judiciary.

Mr. Hamlin offered a resolution in words following:

Resolved, That the Secretary be directed to have printed 300 copies of the following proposed amendments: 14, 23, 24, 27, 34, 40, 47, 49, 52, 70, 71, 84 and 95, the Sergeant-at-Arms being unable to fill the file-boards of reporters as directed.

Mr. President put the question on said resolution, and it was determined in the affirmative.

Mr. Becker offered a resolution in words following:

Resolved, That the Committee on Rules report to-morrow morning a rule providing a fine for non-attendance of members of this Convention, on and after Thursday, July fifth, when such absence occurs without the consent of the Convention.

Said resolution, giving rise to debate, was tabled under the rule.

Mr. Hirschberg presented a report from the Committee on Privileges and Elections, in words following:

The Committee on Privileges and Elections, to whom was referred the petition of Charles L. Halberstadt, claiming he was duly elected a member of the Constitutional Convention from the Eighth Senatorial district, respectfully report:

That they considered the case presented by said petition on June twelfth; that no evidence was offered, the questions presented being all matters of law, and that an argument, both oral and in writing, was made and filed by the petitioner at that time.

The committee thereafter, and on June twenty-seventh, unanimously decided that the petitioner's claim is wholly unfounded. They, therefore, recommend the adoption of the following resolution:

"Resolved, That the petition of Charles L. Halberstadt, claiming that said petitioner is a duly elected Delegate to this Convention from the Eighth Senatorial district, be and the same is hereby dismissed.

"Dated June 28, 1894.

"M. H. HIRSCHBERG,

"Chairman."

Mr. President put the question on the adoption of the report and the resolution as reported, and it was determined in the affirmative.

Mr. President announced the order of business, "special orders."

Whereupon the first special order being the resolution previously offered by Mr. Lester in words following:

"Resolved, That as soon as practicable after the Fourth of July the Convention adjourn to the village hall at Saratoga Springs, there to continue its sessions during the warm weather of July and August, provided suitable arrangements for the accommodation of the Convention can be made, and that the Chair appoint a committee of five to investigate the accommodations offered and to report upon their character and sufficiency and to recommend a date for such adjournment."

Mr. Alvord moved the previous question.

Mr. President put the question on said motion, and it was determined in the affirmative.

Mr. President put the question on the adoption of said resolution, and it was determined in the negative.

Ayes — Messrs. Becker, Campbell, Cookinham, Curran, Davis, G. A.; Deyo, Durfee, Farrell, Francis, Fraser, Gilleran, Jenks, Johnston, R. M.; Lester, McArthur, McClure, McLaughlin, C. B.; Mereness, Meyenborg, Moore, Mullen, Ohmeis, Riggs, Roche, Spencer, Titus, Truax, C. H.; Whitmyer, Wiggins — 29.

Noes — Messrs. Abbott, Ackerly, Alvord, Arnold, Baker, Banks, Barhite, Barrow, Bigelow, Blake, Bowers, Bush, Cady, Carter, Cassidy, Chipp, Jr.; Church, Clark, G. W.; Clark, H. A.; Coch-

ran, Cornwell, Countryman, Crosby, Danforth, Davenport, Deady, Dean, Dickey, Doty, Durnin, Emmet, Faber, Floyd, Foote, Forbes, Frank, Andrew; Fuller, C. A.; Fuller, O. A.; Galinger, Gibney, Gilbert, Goeller, Green, A. H.; Griswold, Hamlin, Hawley, Hecker, Hedges, Hill, Hirschberg, M. H.; Holls, Hottenroth, Jacobs, Johnson, I. Sam; Kellogg, Kerwin, Kimmey, Lauterbach, Lewis, C. H.; Lewis, M. E.; Lincoln, Lyon, Manley, Marks, Marshall, Maybee, McCurdy, McDonough, McIntyre, McKinstry, McMillan, Morton, Mulqueen, O'Brien, Osborn, Parker, Parkhurst, Parmenter, Peabody, Peck, Phipps, Platzek, Pool, Porter, Powell, Pratt, Redman, Roderick, Rogers, Root, Smith, Speer, Springweiller, Steele, W. H.; Storm, Sullivan, Tekulsky, Towns, Truax, C. S.; Tucker, Turner, Van Denbergh, Veeder, Vedder, Vogt, Wellington, Woodward, President — 109.

When the name of Mr. E. A. Brown was called he asked to be and was excused from voting, on account of his having paired with Mr. J. C. Davies.

When the name of Mr. A. B. Steele was called he asked to be and was excused from voting, on account of his having paired with Mr. Holcomb.

On motion of Mr. Vedder, the privilege of the floor was extended to Hon. J. T. Williams, of Chautauqua county, during his stay in the city.

Mr. President then announced the second special order, being the report of the Committee on Privileges and Elections, in words following:

To the Constitutional Convention:

The Committee on Privileges and Elections having investigated the matter of the contest of Harvey W. Putnam and Thomas A. Sullivan for the seats now occupied by Herman F. Trapper and Charles Beckwith from the Thirtieth Senatorial District, do report as follows:

That they have taken a large amount of proof and have examined a large number of witnesses and have been addressed by counsel for contestants and also for the sitting members, and that they find and report as follows:

That the Thirtieth Senatorial District is composed of wards one to fourteen, inclusive, and the Nineteenth and Twentieth

wards of the city of Buffalo; that on the face of the returns in said Senatorial District, said Beckwith received 14,099 votes and said Trapper 14,093; that, on the face of the returns, said contestant Putnam received 14,070 and said contestant Sullivan received 13,899 votes. Thus, upon the face of the returns, it appeared that said Beckwith received twenty-nine votes more than said Putnam, and 200 votes more than said Sullivan; that the contestants sought to establish that the Fourth election district of the First ward should not be counted, but that the entire vote should be omitted from the returns on the ground that it was irregular and fraudulent and that the polls were taken possession of by conspirators for the express purpose of controlling the election in the interest of one Sheehan, a candidate for alderman in the First ward of said city; and they claimed that said conspirators did control the election in said district. Fraud was also claimed in other election districts in said First ward, but it is not necessary to report upon that question as contestants substantially confined their case to the said Fourth district.

It appeared that the registration in said Fourth district, for the year 1893, was 889; that the population of said district, from 1891 to 1893, had decreased; that the total vote of said district for the year 1892, that being the year of a Presidential election, was 342; while the vote at the election November 7, 1893, was 641, as returned.

It appears that the vote of said district was divided between the principal parties for the three years last past, as follows:

1891, Republican, as returned	140
1891, Democrat, as returned	169
=====	
1892, Republican, as returned	101
1892, Democrat, as returned	212
=====	
1893, Republican, as returned	126
1893, Democrat, as returned	505
=====	

It also appeared that the large increase in registration and in votes, in 1893, was caused by persons registering and voting from certain localities in said district and particularly from a saloon, known as 19 Main street, kept by one James Kennedy;

also a saloon, known as 85 Main street, and a saloon, known as 133 Main street, and 165 Washington street and 33 Exchange street.

On the evening before the election, the sheriff of Erie county appointed 112 special deputies, all of whom were sworn in by the under sheriff without a knowledge, upon his part or upon the part of the sheriff, as to who those deputies were; and the act of swearing them in was done in obscure places in said city of Buffalo. Many of said deputy sheriffs were men of bad character, notably William Baker, Charles Marks, Samuel Strauss and a man called Farrell, all of whom were prize-fighters, and O'Shea, who is described as a dog-catcher. These deputy sheriffs were all appointed at the request of Charles McDonnell, John J. Lynch and John O'Connell, and other supporters of Sheehan, for the office of alderman of said ward; said O'Connell being the chairman of the board of inspectors of election in said Fourth district.

The booth in which the voting took place in said Fourth district was located on Illinois street, was circular in form and constructed of sheet-iron. It was placed on the side of the street, partially upon the sidewalk, so that the door at which voters would enter would be approached from the sidewalk leading to Perry street. About three o'clock in the morning, on election day, about fifty-four voters, mostly Italians, supporters of White, the candidate opposed to Sheehan for the office of alderman, arrived at said election booth and took their places upon the sidewalk in single file, the line extending from the door of the booth toward Perry street, which was the proper way for voters to form in line to approach said booth; that said line was orderly and law-abiding; and that said line had remained in the said position until about 6.40 o'clock in the morning, that being about the time for opening the polls. That, shortly before the time for opening the polls arrived, the said James Kennedy approached and rapped upon the door of the booth and asked admission. The election officers were within the booth, and Kennedy was asked who it was that desired admission. Upon giving his name, he was immediately admitted, but very shortly came out of the booth and gave instructions to the election officers that the door was not to be opened until he gave the order. He was not an election officer and had no

right to assume any control over the door, or to give any directions as who should or should not enter the booth. Just before the time arrived for opening the polls, said Kennedy again returned, but he approached the door of the booth from the rear, coming between the booth and the building on the east side and there being an intervening space of some two or three feet. He, at this time, had with him the prize-fighters and the dog-catcher and a large number of the special deputy sheriffs who had been appointed the night before. At the same time, Police Captain Regan, who had previously been a Republican, but who was a supporter of Sheehan for alderman, and some ten or more policemen in uniform, appeared with Kennedy and the deputy sheriffs. When they approached the door of the booth they immediately took possession of it. William Miller, one of the prize-fighters, stood in the door, with his arm across it, and the other officers were within the booth or outside, as they saw fit to be, and for several hours no one was permitted to enter the booth except those to whom said Kennedy and one Kilcourse and the prize-fighters saw fit to allow the privilege. The line of Italian voters who had stayed in front of the booth from three o'clock in the morning was forcibly broken up by these prize-fighters, deputy sheriffs and policemen; and the men were told that they must go to the rear of the booth and form in the rear of the line which had approached in that direction and which consisted largely of special deputy sheriffs. Said Kennedy, after he entered the booth at the time of opening the polls, took a position in the rear of the inspectors of election and near to the private compartments, and, with Kilcourse, assumed and retained control of the election machinery of that district. Kennedy gave directions as to who should be allowed to enter the booth, and who should be put out and his directions were followed; and, in pursuance of his directions, law-abiding citizens were ejected by the prize-fighters, and notably several of the watchers who were entitled to be present and observe the manner of conducting the election were either ejected or forcibly prevented from entering. One of the inspectors of election, Mr. Aeschbach, almost continuously protested against the unlawful proceedings, but no heed was given his protest.

Men other than voters were placed or allowed to remain in two of the private compartments during, substantially, the whole day and most of the voting was done from these com-

partments. Some of the compartments at times contained as many as two, three or four men. Said Kennedy gave directions to voters when they approached the private compartments to go into the first, second or third compartment in which were the men placed there by him to take charge of the folding of the tickets. Mr. Aeschbach, one of the Republican inspectors of election, almost continuously protested against this proceeding and called the attention of the election board and of the officers to it and requested that it be discontinued, but no heed was given to his protest. The chairman of the board of inspectors, one John O'Connell, had organized the board in the morning, but almost immediately left the booth claiming to have appointed James Bowe to take his place upon said board, who proceeded to fill the position of chairman of said board without being sworn and without any right whatever to hold that position. A brother of said Bowe also then assumed to act as inspector without legal appointment and without being sworn. Said O'Connell did not again appear at the booth until the voting was mostly done. The voting from the time the polls opened until about half-past ten or eleven o'clock proceeded very rapidly, and was largely done by the supporters of said Sheehan for alderman, and the voters came largely from what was known as the colonized districts, namely, 19, 85 and 133 Main street, 165 Washington street, and 33 Exchange street. Mr. Thayer, a highly-respected citizen of Buffalo, and a man belonging to the Independent Democratic Club of the City of Buffalo, and a lawyer by profession, was a duly appointed watcher of such election, and entitled to a position in said booth, where he could observe what took place therein.

He, with difficulty, obtained entrance to the booth, and proceeded to make minutes of what there took place, when the said Kennedy, without cause, ordered him to be put out, and he was thereupon summarily ejected by the dog-catcher; whereupon Mr. Thayer went to one of the judges of the Superior Court of said city and made application upon affidavit for a warrant for the arrest of Kennedy. Sheriff Beck, of Erie county, was sent for by the judge and the warrant was placed in his hands in the forenoon of said election day, and said sheriff was told where said Kennedy could be found. The sheriff promised Thayer to meet him presently, at the booth, but went off in some other direction. Mr. Thayer, however, went immediately

to the booth and there remained for several hours, but the sheriff did not appear until about four o'clock in the afternoon. Just before his appearance said Kennedy, who had been within the booth all day, left the booth, whereupon the sheriff entered, remained for a very few minutes, and departed, and almost immediately on his departure, the said Kennedy re-entered the booth and was not arrested under said warrant. On the day before election, 129 warrants were issued for the arrest of all persons who had registered as voters from 133 Main street. All these warrants were placed in the hands of a police officer, one O'Donnell. This officer went at nine o'clock in the evening before election to said 133 Main street, for the ostensible purpose of arresting the persons against whom the warrants were issued for fraudulent registration, but found none of said persons there. He returned again at about eleven o'clock at night, and found none of said persons there. He again went on the morning of election day at about nine o'clock A. M., and found none of said persons, but it appears that sixty-three of the persons who registered from 133 Main street, voted at said election in the said Fourth district. It also appears that shortly prior to election day, Kilcourse, who was one of the prime movers in the fraudulent scheme to prevent an honest election in said Fourth district, took a lease of said No. 133 Main street, and paid the rent for October and November, and, immediately after the election, vacated the premises. In regard to No. 33 Exchange street, the Committee reports that, prior to election, the landlord had taken proceedings to recover possession of said premises, and that the tenant had been put out of possession, and that the premises were vacant several days before election, and that there were no voters nor occupants of said building upon election day, and yet it appeared from the poll-list of voters, that thirty-five persons were registered and many of them voted from said 33 Exchange street on election day.

During the progress of the voting persons who were supporters of Sheehan and who intended to vote for him were taken by the deputy sheriffs and prize-fighters to the head of the line, out of turn, and were passed into the booth to vote and did vote, while respectable citizens, who were not supporters of Sheehan and who had stood in line until they came to the door, were not allowed to enter until Kennedy, Kilcourse and the deputy sheriffs saw fit to permit them. Many voters who were

not supporters of Sheehan were without cause pushed out of the line, struck and thrown into the street, while the roughest element held full sway, and entire control of the approach to the booth and of the election machinery. The deputy sheriffs, prize-fighters and the election officers, who were the supporters of Sheehan for alderman, were all acting in concert to prevent a fair election and to allow illegal votes to be cast for said Sheehan. These persons did succeed in their corrupt conspiracy in taking entire charge of said election district and in preventing a fair and honest election. Moreover their acts are illegal, corrupt and fraudulent to such an extent that there was, in reality, no legal election in such district.

The returns show precisely the same number of votes cast for every candidate voted for at the election of 1893, in said Fourth district.

It follows then that the return does not state the number of legal votes cast at such election, and that there is included in the returns a large number of illegal votes which were counted for said Herman F. Trapper and Charles Beckwith, and that said election was not a fair and honest expression of the opinion and choice of the legal voters of said district, and the acts of the election board and the other officers were so fraudulent as to render the proceedings in the said Fourth district on November 7, 1893, no election at all. It is but just, however, to say that neither Mr. Beckwith nor Mr. Trapper is chargeable with any act which in the slightest degree reflects upon their character or that indicates that they were, in any way, cognizant of or responsible for the fraudulent acts or proceedings.

The committee, therefore, have concluded that the return made by the board of inspectors of election for said Fourth district in the First ward of Buffalo, in said Thirtieth Senatorial District, should be disregarded and treated as null and void, and that the vote in said Senatorial District should be counted as follows: Harvey W. Putnam, 13,944; Thomas A. Sullivan, 13,773; Charles Beckwith, 13,594; Herman F. Trapper, 13,588. The committee further report that said Harvey W. Putnam received a majority of the legal votes cast in said Senatorial District over said Charles Beckwith of 350 votes, and over said Herman Trapper of 356 votes; and said Thomas A. Sullivan received a majority of the legal votes cast in said Senatorial

District over said Charles Beckwith of 179 votes and over said Herman F. Trapper of 185 votes, and that said Harvey W. Putnam and Thomas A. Sullivan are duly elected delegates for said Thirtieth Senatorial District to this Convention, and are entitled to seats therein.

The committee, therefore, recommends the passage of the following resolutions:

First — Resolved, That Herman F. Trapper and Charles Beckwith are not entitled, as delegates from the Thirtieth District, to the seats now occupied by them in this Convention.

Second — Resolved, That Harvey W. Putnam and Thomas A. Sullivan are duly elected delegates from the Thirtieth Senatorial District, and are entitled to the seats in this Convention now occupied by Herman F. Trapper and Charles Beckwith.

Dated, June 14, 1894.

M. H. HIRSCHBERG,
Chairman.

Extended debate being had by Messrs. Blake, Titus, Griswold, Chipp, Jr., and Kerwin, Mr. Speer then offered the following:

Resolved, That the Committee on Privileges and Elections be requested to examine further into the election in the Thirtieth district, and to report specifically and in detail what evidence it has or can obtain which bears directly on the number of purchased, illegal and fraudulent votes cast for Delegates to this Convention, and for whom they were cast; also the number of votes cast in the election districts of the Thirtieth district last fall and the number cast in the election districts comprising such Senate district in the previous year.

Debate thereon being had by Messrs. Speer, Maybee and Hirschberg, Mr. President put the question on the adoption of the resolution offered by Mr. Speer, and it was determined in the negative.

Mr. President put the question on the adoption of the resolutions reported by the committee.

Mr. Blake called for a division of the question.

Mr. President stated the question to be upon the first resolution reported by said committee, in words following:

“First — Resolved, That Herman F. Trapper and Charles Beckwith are not entitled, as Delegates from the Thirtieth district, to the seats now occupied by them in this Convention.”

Mr. President put the question on said resolution, and it was determined in the affirmative.

Ayes — Messrs. Abbott, Ackerly, Alvord, Arnold, Baker, Banks, Barhite, Barnum, Barrow, Becker, Bigelow, Bowers, Brown, E. A.; Brown, E. R.; Burr, Cady, Carter, Cassidy, Chipp, Jr.; Church, Clark, G. W.; Clark, H. A.; Cookinham, Cornwell, Countryman, Crosby, Danforth, Davenport, Davis, G. A.; Deady, Dean, Deyo, Dickey, Doty, Durfee, Durnin, Faber, Floyd, Foote, Forbes, Francis, Frank, Andrew; Fuller, C. A.; Fuller, O. A.; Galingier, Gibney, Gilbert, Goodelle, Green, A. H.; Hamlin, Hawley, Hecker, Hedges, Hill, Hirschberg, M. H.; Holls, Jacobs, Johnson, I. Sam; Johnson, J.; Johnston, R. M.; Kellogg, Kimmey, Lauterbach, Lester, Lewis, C. H.; Lewis, M. E.; Lincoln, Lyon, Manley, Hantanye, Marshall, Maybee, McArthur, McClure, McCurdy, McDonough, McIntyre, McKinstry, McLaughlin, C. B.; McMillan, Mereness, Moore, Morton, Nichols, W. H.; O'Brien, Osborn, Parker, Parkhurst, Parmenter, Peck, Phipps, Platzek, Poole, Powell, Redman, Roche, Root, Spencer, Springweiler, Steele, A. B.; Steele, W. H.; Sullivan, Tibbetts, Truax, C. S.; Turner, Van Denbergh, Vedder, Vogt, Wellington, Whitmyer, Wiggins, Woodward, President — 113.

Noes — Messrs. Blake, Coleman, Emmet, Gilleran, Goeller, Hottenroth, Kerwin, Marks, Mulqueen, Ohmeis, Peabody, Rogers, Speer, Titus, Tucker, Veeder — 16.

When the names of Mr. Mullin, Mr. Jenks, Mr. Roderick, Mr. Towns and Mr. Meyenborg were called they asked to be and were excused from voting.

Mr. President stated the question then to be upon the adoption of the second resolution reported by said committee, in words following:

“Second — Resolved, That Harvey W. Putnam and Thomas A. Sullivan are duly elected Delegates from the Thirtieth Senatorial district, and are entitled to the seats in this Convention now occupied by Herman F. Trapper and Charles Beckwith.”

Mr. President put the question on said resolution, and it was determined in the affirmative.

Ayes — Messrs. Abbott, Ackerly, Alvord, Arnold, Baker, Banks, Barhite, Barnum, Barrow, Becker, Bigelow, Bowers, Brown, E. A.; Brown, E. R.; Cady, Carter, Cassidy, Chipp, Jr.; Church, Clark, G. W.; Clark, H. A.; Cookinham, Cornwell, Countryman, Crosby, Danforth, Davenport, Davis, G. A.; Deady, Deyo, Dickey, Doty, Durfee, Faber, Floyd, Foote, Francis, Frank, Andrew; Fraser, Fuller, C. A.; Fuller, O. A.; Galinger, Gibney, Gilbert, Goodelle, Hamlin, Hawley, Hecker, Hedges, Hill, Hirschberg, M. H.; Holls, Jacobs, Johnson, I. Sam; Johnson, J.; Johnston, R. M.; Kellogg, Lester, Lewis, C. H.; Lewis, M. E.; Lincoln, Lyon, Manley, Marshall, Maybee, McArthur, McClure, McDonough, McIntyre, McKinstry, McLaughlin, C. B.; McMillan, Moore, Morton, Nichols, W. H.; O'Brien, Osborn, Parker, Parkhurst, Peck, Phipps, Platzek, Pool, Powell, Pratt, Redman, Roche, Root, Spencer, Springweiler, Steele, A. B.; Steele, W. H.; Storm, Sullivan, Tibbetts, Turner, Van Denbergh, Vedder, Vogt, Wellington, Whitmyer, Wiggins, Woodward, President — 104.

Noes — Messrs. Blake, Coleman, Goeller, Hottenroth, Kerwin, Marks, Mulqueen, Peabody, Porter, Rogers, Speer, Titus, Tucker — 13.

Mr. Kerwin moved that the report of the Printing Committee be made a special order to-morrow morning immediately after the reading of the Journal.

Mr. President put the question on said motion, and it was determined in the affirmative, two-thirds of all the Delegates elected to the Convention voting in favor thereof.

Leave of absence from the session to-morrow was granted to Mr. Tekulsky.

The President administered the oath of office to Mr. Harvey W. Putnam and Thomas A. Sullivan, as Delegates in the Convention.

Mr. Lincoln moved that the report of the Committee on Suffrage, relating to the constitutional amendment requiring all voters to be citizens, be made a special order immediately after the report of the Committee on Printing.

Mr. President put the question on said motion, and it was determined in the affirmative, two-thirds of all the Delegates elected to the Convention voting in favor thereof.

On motion of Mr. Bowers, at 2.33, the Convention adjourned.

Friday, June 29, 1894.

The convention met pursuant to adjournment.

Prayer by Rev. R. H. Shirley.

The Journal of Thursday, June twenty-eighth, was read and approved.

Mr. Porter stated that had he been present yesterday when the report of the Committee on Privileges and Elections in the matter of "Putnam and Sullivan v. Trapper and Beckwith" was under consideration he would have voted for the report of the committee in said case.

Mr. President announced the designation of Lewis R. Stegman, as reporter for the Brooklyn "Standard-Union."

274.—Mr. Cady, by unanimous consent, presented a proposed amendment to article 7, section 6 of the Constitution, relating to the canals.

Referred to the Committee on Canals.

275.—Also, a proposed amendment to article 7, section 12 of the Constitution relating to canals.

Referred to the Committee on Canals.

Mr. President announced the special order, being the report of the Committee on Printing, in words following:

The Committee on Printing, having had referred to them the following resolution offered by Mr. Cookinham:

Resolved, That the subject of printing and publishing for the Convention, which is not covered by the rules or the directions of the Convention heretofore given, be referred to the Committee on Printing, with instructions to examine and report thereon, at the earliest practical date, as to what should be printed and published, and also the best method of doing the same, and as to whom should be furnished copies thereof, respectfully report as follows:

First.—In regard to the Manual and compilations, your committee are of the opinion that it is not desirable that the pictures of the delegates to this Convention should be distributed as

public documents through this and other States, and accordingly offer the following resolution and recommend its adoption:

Resolved, That the 719 volumes of the series known as volume 2, part 1, of the Manual, be distributed among the members of the Convention as follows: To each delegate and to the Secretary of the Convention, four volumes; and the residue to the President to be disposed of by him as he shall deem proper, and that no more be printed.

Resolved, That the other volumes of said Manual and compilations be distributed as follows: To each of the delegates and to the Secretary of the Convention, three volumes of each series; to the State Library, two volumes; to the Senate library, two volumes; to the Assembly library, two volumes; to the Regents of the University the residue thereof, to be distributed by them to the public officers, the incorporated colleges and universities of the State, and to exchanges, including one set for each of the States and Territories.

Second.—In reference to the publication, binding and distribution of the documents, and the debates and proceedings of the Convention, your committee offer for your consideration and recommend for adoption the following resolution:

Resolved, That the verbatim report of the proceedings and debates of the Convention which has heretofore been printed and placed on the files of the delegates should be continued. That hereafter there should be printed, daily, 800 copies thereof, of which twenty-five copies should be at the disposal of the President, and that in addition thereto 600 copies should be printed and bound and distributed as follows: To each delegate, two copies; to the State Library, five copies; to the Senate library, five copies; to the Assembly library, five copies; to the county clerk of each county, for the library of each county, one copy; to the Regents of the University the residue of said copies, to be distributed by them to the public offices of the State and the incorporated colleges and universities thereof, and to exchanges, including one set to each of the States and Territories.

Resolved, further, That 600 copies of all documents ordered printed to be bound and distributed in like manner.

Resolved, further, That 1,000 copies of all proposed Constitutional amendments be printed, of which twenty-five copies shall be at the disposal of the President.

Third.—As to the distribution of the report of the proceedings of the Convention among the newspapers of this State, your committee offer the following preamble and resolution for the consideration of the Convention and recommend its adoption:

Whereas, It is deemed due to the people of the State that full reports of the proceedings of this Convention be published in current form, your Committee on Printing submits the following resolution, and recommend its favorable consideration by the Convention:

Resolved, That the Compiler be directed to enter into a contract, if possible, with the Journal Company and The Argus Company, respectively, of the city of Albany, on the following conditions, namely, to print the entire proceedings and debates of this Convention, including record of votes by division and roll call, from this date until the close of the Convention for a sum not exceeding \$7,500 in each newspaper, provided said publishers will agree to mail one copy of their daily issue to the office of each newspaper and periodical of the State of New York, excepting monthly and trade publications, and to provide each member of this Convention with two copies of the newspapers containing the proceedings of this Convention; and, also, provided, that said publishers waive all further claims against the State under their contracts with the Compiler, dated April 5, 1894.

Said papers to publish complete each day the Convention proceedings of the day before, unless an afternoon or evening session is held, then such afternoon or evening proceedings to be published not later than the second succeeding day.

Resolved, That before the said contract is signed, it be first submitted to the Committee on Printing and receive the approval as to details.

Resolved, That, in the opinion of the committee, the afore-said contract will give all needful immediate publicity to the proceedings of the Convention, and no other regular distribution of reports or documents will be required during the session of the Convention.

All of which is respectfully submitted as the recommendations of a majority of the committee.

F. H. HAMLIN,
Chairman.

Mr. President put the question on the adoption of the first resolution in words following:

"Resolved, That the 719 volumes of the series known as volume 2, part 1, of the Manual, be distributed among the members of the Convention as follows: To each delegate and to the Secretary of the Convention, four volumes; and the residue to the President to be disposed of by him as he shall deem proper, and that no more be printed."

Mr. Moore moved to amend said resolution by striking out the word "four" and inserting in lieu thereof the word "two."

Mr. Ackerly moved the previous question and it was determined in the affirmative.

Mr. President put the question on the motion of Mr. Moore, and it was determined in the negative.

Mr. President put the question on the adoption of the resolution reported by the Committee on Printing and it was determined in the negative.

Mr. President stated the question then to be upon the second resolution in words following:

"Resolved, That the other volumes of said Manual and compilations be distributed as follows: To each of the delegates and to the Secretary of the Convention, three volumes of each series; to the State library, two volumes; to the Senate library, two volumes; to the Assembly library, two volumes; to the Regents of the University the residue thereof, to be distributed by them to the public officers, the incorporated colleges and universities of the State, and to exchanges, including one set for each of the States and Territories."

Mr. Dickey moved the previous question and it was determined in the affirmative.

Mr. President put the question on the adoption of the resolution and it was determined in the negative.

Mr. President then stated the question to be upon the adoption of the third resolution in words following:

"Resolved, That the verbatim report of the proceedings and debates of the Convention which has heretofore been printed and placed on the files of the delegates should be continued. That hereafter there should be printed, daily, 800 copies thereof, of

which twenty-five copies should be at the disposal of the President, and that, in addition thereto, 600 copies should be printed and bound and distributed as follows: To each delegate, two copies; to the State library, five copies; to the Senate library, five copies; to the Assembly library, five copies; to the county clerk of each county, for the library of each county, one copy; to the Regents of the University the residue of said copies, to be distributed by them to the public offices of the State and the incorporated colleges and universities thereof, and to exchanges, including one set to each of the States and Territories."

Mr. Crosby moved to amend by inserting after the words "Assembly library, five copies," the following:

"To each judicial district and each State Law library, two copies; to the New York State Bar Association, one copy; to the New York City Bar Association, one copy; to Harlem library, one copy; to Buffalo Historical Society, one copy; to Rochester Bar Association one copy; to Court of Appeals library, one copy; to New York Law Institute, one copy; to Rochester Historical Society, one copy; to Cornell Law library, one copy; to Powers Law library, one copy; to Oneonta Normal school, one copy; to Weed library of Malone village, one copy."

Mr. President put the question on the motion of Mr. Crosby, and it was determined in the affirmative.

Mr. President put the question on the resolution, as amended, and it was determined in the affirmative.

Mr. President then stated the question to be upon the next resolution in words following:

"Resolved, further, That 600 copies of all documents ordered printed be bound and distributed in like manner."

Mr. President then put the question and it was determined in the affirmative.

Mr. President then stated the question to be upon the resolution in words following:

"Resolved, further, That 1,000 copies of all proposed Constitutional amendments be printed, of which twenty-five copies shall be at the disposal of the President."

Mr. Hamlin moved to amend by inserting after the word "amendments" the word "not already printed."

Mr. President put the question on the motion of Mr. Hamlin, and it was determined in the affirmative.

Mr. President put the question on the resolution as amended, and it was determined in the affirmative.

Mr. President then stated the question to be upon the resolutions in words following:

"Resolved, That the Compiler be directed to enter into a contract, if possible, with the Journal Company and The Argus Company, respectively, of the city of Albany, on the following conditions, namely, to print the entire proceedings and debates of this Convention, including record of votes by division and roll call, from this date until the close of the Convention for a sum not exceeding \$7,500 in each newspaper, provided said publishers will agree to mail one copy of their daily issue to the office of each newspaper and periodical in the State of New York, excepting monthly and trade publications, and to provide each member of this Convention with two copies of the newspapers containing the proceedings of this Convention; and, also, provided, that said publishers waive all further claims against the State under their contracts with the Compiler, dated April 5, 1894.

"Said papers to publish complete each day the Convention proceedings of the day before, unless an afternoon or evening session is held, then such afternoon or evening proceedings to be published not later than the second succeeding day.

"Resolved, That before the said contract is signed, it be first submitted to the Committee on Printing and receive the approval as to details.

"Resolved, That, in the opinion of the committee, the aforesaid contract will give all needful immediate publicity to the proceedings of the Convention, and no other regular distribution of reports or documents will be required during the session of the Convention."

Mr. Durfee moved to amend by striking out the word "further" prior to the word "claims" in the last paragraph of the first of said resolutions, and also to change the word "committee" to "Convention."

Mr. Becker moved to amend as follows:

"Strike out all after the word "waive" in the last line but one of the first paragraph, and insert in lieu thereof "All claims

arising under their contracts with the Compiler dated April 5, 1894, which have accrued since the adoption by the Convention of the resolution of June thirteenth, forbidding further publication of the debates and proceedings other than the Journal.

Mr. Becker called for a division of the question.

Mr. President put the question on the adoption of the first portion of the motion of Mr. Becker, in words following:

"Strike out all after the word 'waive' in the last line but one of the first paragraph, and insert in lieu thereof 'All claims arising under their contracts with the Compiler, dated April 5, 1894, which have accrued since the adoption by the Convention of the resolution of June thirteenth, forbidding further publication of the debates and proceedings other than the Journal,' and it was determined in the negative.

Mr. President put the question on the motion of Mr. Durfee and it was determined in the affirmative.

Mr. President put the question on the second portion of Mr. Becker's motion, in words following:

"But the matter mailed to the other newspapers and periodicals in this State shall be complete in itself and shall not be the daily issue of the newspapers known as the Evening Journal and The Albany Argus," and it was determined in the negative.

Mr. Dean moved to amend as follows:

"Strike out all that part of the resolution providing for publication by The Argus Company."

Mr. President put the question and it was determined in the negative.

Mr. Cookinham moved to amend as follows:

Insert after the words "April 5, 1894," the following:

"And that in no event shall the compensation to each of said companies exceed thirty cents per folio for each such publication."

Mr. President put the question on the motion of Mr. Cookinham, and it was determined in the negative.

Mr. Hawley moved the previous question.

Mr. President put the question on ordering the previous question, and it was determined in the affirmative.

Mr. President put the question on the adoption of the resolution as amended and it was determined in the negative.

Ayes — Messrs. Abbott, Ackerly, Alvord, Baker, Barhite, Barnum, Brown, E. R.; Cady, Cassidy, Chipp, Jr.; Countryman, Crosby, Durfee, Faber, Foote, Francis, Fraser, Fuller, C. A.; Gilbert, Hamlin, Hedges, Holcomb, Johnson, I. Sam; Johnson, J.; Johnston, R. M.; Kellogg, Kimmey, Lewis, M. E.; Lincoln, McArthur, McCurdy, McDonough, McKinstry, McLaughlin, C. B.; McMillan, Meyenborg, Moore, Nichols, W. H.; Parkhurst, Pool, Pratt, Smith, Spencer, Steele, W. H.; Storm, Towns, Tucker, Vedder, Woodward, President — 52.

Noes — Messrs. Arnold, Banks, Barrow, Becker, Bigelow, Blake, Bowers, Campbell, Carter, Cochran, Cookinham, Curran, Danforth, Davenport, Dean, Deyo, Dickey, Doty, Emmet, Fitzgerald, F. T.; Fitzgerald, T. W.; Forbes, Frank, Andrew; Galinger, Gibney, Gilleran, Goeller, Goodelle, Green, A. H.; Green, J. I.; Griswold, Hawley, Hecker, Holls, Hottenroth, Jacobs, Jenks, Kerwin, Lewis, C. H.; Marshall, Maybee, McIntyre, Morton, Mullen, O'Brien, Ohmeis, Parmenter, Peabody, Peck, Platzek, Powell, Putnam, Roche, Rogers, Root, Sandford, Steele, A. B.; Sullivan, W.; Truax, C. H.; Truax, C. S.; Van Denbergh, Veeder, Vogt, Whitmyer — 65.

Mr. Becker offered a resolution in words following:

“Resolved, That a copy of all the debates and proceedings of this Convention, including reports of committees, be published and sent at least twice a week by the Secretary of this Convention to each newspaper and periodical in this State, except monthly and trade journals, and that the Secretary be and he hereby is authorized to make a contract for that purpose with the publishers of the journals of the Convention.

Said resolution, giving rise to debate, was tabled under the rule.

Mr. President announced the next special order, being the adverse report on the resolution offered by Mr. Lincoln “requesting Congress to recommend and submit to the several States a proposed amendment to the National Constitution requiring all voters to be citizens.

Mr. Goodelle moved that said report be made a special order for next Thursday morning immediately after the reading of the Journal.

Mr. President put the question on said motion, and it was determined in the affirmative, two-thirds of all the Delegates elected to the Convention voting in favor thereof.

By unanimous consent Mr. Barhite presented a memorial in favor of female suffrage.

Referred to the Committee on Suffrage.

Mr. Pratt offered a resolution in words following:

“Resolved, That the Secretary of the Convention cause to be prepared a compilation of the titles of all special acts of the Legislature of this State exempting particular property or persons from taxation with a citation of the volume and chapter of the session laws, where each act can be found and a brief designation of the particular property or persons exempted by each act.

“This resolution shall cover all acts of the Legislature contained in the session laws and not contained in the last edition of the Revised Statutes.”

Referred to the Committee on Charities and Taxation.

Mr. President presented a communication from the Comptroller in words following:

“STATE OF NEW YORK,

Comptroller's Office,

Albany, June 29, 1894.

“To the Constitutional Convention, Albany, N. Y.;

“Gentlemen.—Responding to the resolution of your honorable body calling for ‘a statement of the amount that has been paid for the last five fiscal years, for the judges of the Court of Appeals and the justices of the Supreme Court, under section 13, article 6 of the Constitution; and also, the amount appropriated at the recent session of the Legislature for former judges of said court,’ I have the honor to submit the following:

PAYMENTS TO JUDGES WHOSE TERMS HAVE EXPIRED.

Court of Appeals.

1889.	\$5,000 00
1890.	10,000 00
1891.	12,000 00
1892.	12,000 00
1893.	6,000 00
Total.	<u>\$45,000 00</u>

Supreme Court.

1889.	\$12,000 00
1890.	10,800 00
1891.	22,116 66
1892.	21,436 67
1893.	28,800 00
Total.	<u>\$95,153 33</u>

"There was appropriated by chapter 358 of the Laws of 1894, for the payment of judges the sum of \$36,000. There was also appropriated for Catherine Lydia Brady, widow of Judge John R. Brady, \$4,725.80.

"The total amount thus far paid to judges of the Court of Appeals under the above provision of the Constitution is \$59,225.27; to justices of the Supreme Court, \$198,978.33, making the total amount thus far paid under the provision, \$258,203.66. There are at present five judges who are beneficiaries of this fund.

"Respectfully submitted,

"JAMES A. ROBERTS,

"Comptroller."

Referred to the Committee on Judiciary.

Leave of absence was granted to Messrs. McKinstry and Andrew Frank for next Thursday and Friday.

On motion of Mr. Galinger, at 12.40, the Convention adjourned.

Thursday, July 5, 1894.

The Convention met pursuant to adjournment.

Prayer by Rev. A. K. Duff.

The Journal of Friday, June twenty-ninth, was read and approved.

Mr. President announced the special order, being in words following:

Mr. Goodelle, from the Committee on Suffrage, to which was referred the resolution introduced by Mr. Lincoln, requesting Congress to recommend and submit to the several States a proposed amendment to the National Constitution requiring voters to be citizens, reported adversely thereto, said resolution being in words following:

Whereas, Sixteen States, to wit, Alabama, Arkansas, Colorado, Florida, Indiana, Kansas, Louisiana, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Oregon, South Dakota, Texas and Wisconsin, by their constitutions grant the right of suffrage to aliens who have filed a declaration of their intention to become citizens, but who have not been naturalized, thus permitting persons to participate in the government of their country who are subjects of a foreign power, and who owe allegiance neither to the State nor to the United States, thereby giving rise to occasions when the vote of aliens may change the course of government; therefore,

Resolved, That it is the sense of this Convention that such stitution; that the right of suffrage ought to be uniform throughout the Union; and that no person ought to be permitted to vote who is not a citizen of the United States.

Resolved, That we hereby request Congress to recommend and submit to the several States for their consideration, a proposed amendment to the National Constitution, requiring all voters to be citizens, and prohibiting any State from granting the right of suffrage to any person who is not a citizen of the United States.

Resolved, That the Secretary of the Convention immediately transmit a copy of these resolutions to the President of the Senate of the United States and also to the Speaker of the House of Representatives.

Resolved, That we hereby respectfully request the Senators and members of Congress from this State to urge the adoption by Congress of a concurrent resolution providing for the submission of the proposed amendment.

Debate being had thereon by Messrs. Lincoln, Barhite, Roche, Goodelle, Cassidy, McDonough and Moore.

Mr. Platzek moved the previous question.

Mr. President put the question on said motion, and it was determined in the affirmative.

Mr. President put the question on agreeing to the report of the committee, and it was determined in the affirmative.

Ayes — Messrs. Acker, Alvord, Barnum, Barrow, Becker, Bigelow, Bowers, Chipp, Jr.; Clark, H. A.; Cochran, Danforth, Davenport, Durnin, Emmet, Fields, Francis, Frank, Andrew; Goeller, Goodelle, Griswold, Hawley, Herzberg, A.; Hill, Hirschberg, M. H.; Hottenroth, Johnson, J.; Kerwin, Kimmey, Lauterbach, Lester, Lewis, C. H.; Lyon, Marks, Marshall, Maybee, McIntyre, McLaughlin, J. W.; Nicoll, De L.; O'Brien, Ohmeis, Osborn, Peabody, Peck, Platzek, Putnam, Roche, Root, Sandford, Schumaker, Speer, Spencer, Steele, A. B.; Sullivan, T. A.; Tekulsky, Tibbetts, Titus, Truax, C. H.; Truax, C. S.; Tucker, Veeder, Wellington, Whitmyer, Wiggins, President — 64.

Noes — Messrs. Abbott, Ackerly, Allaben, Barhite, Cady, Carter, Cassidy, Countryman, Crosby, Curran, Davies, J. C.; Dean, Dickey, Durfee, Floyd, Foote, Frank, Augustus; Fraser, Fuller, C. A.; Fuller, O. A.; Galinger, Gilbert, Hedges, Johnson, I. Sam; Johnston, R. M.; Kellogg, Lewis, M. E.; Lincoln, Manley, Mantanye, McArthur, McDonough, McLaughlin, C. B.; Moore, Nichols, W. H.; Phipps, Powell, Redman, Riggs, Roderick, Rogers, Steele, W. H.; Storm, Sullivan, W.; Turner, Van Denbergh, Vedder, Vogt — 48.

Mr. Goodelle presented, by request, a communication from S. F. Rawson, relative to sailors in charitable institutions and their right to vote.

Referred to the Committee on Suffrage.

Mr. Tucker presented petition of citizens of New York city in favor of female suffrage.

Referred to the Committee on Suffrage.

Mr. McDonough presented petitions of labor organizations of the State asking the abolition of prison labor.

Referred to the Committee on State Prisons.

Mr. Dean moved that the Convention now adjourn.

Mr. President put the question on said motion, and it was determined in the negative.

Mr. Hill presented the following:

To the Delegates of the Constitutional Convention :

You are hereby cordially invited to attend the session of the University Convocation of the State of New York now in progress in the Senate Chamber of the State Capitol.

Very respectfully,

HENRY P. EMERSON,

Chairman of Convocation Council.

Dated Albany, N. Y., July 5, 1894.

Mr. Gilbert moved the thanks of the Convention and acceptance of the invitation.

Mr. President put the question on the motion of Mr. Gilbert, and it was determined in the affirmative.

Mr. A. B. Steele moved that the vote by which the resolution of the Committee on Printing, in words following: "As to the distribution of the report of the proceedings of the Convention among the newspapers of this State, your committee offer the following preamble and resolution for the consideration of the Convention and recommend its adoption:

Whereas, It is deemed due to the people of this State that full reports of the proceedings of this Convention be published in current form, your Committee on Printing submits the following resolution, and recommends its favorable consideration by the Convention:

Resolved, That the Compiler be directed to enter into a contract, if possible, with the Journal Company and The Argus Company, respectively, of the city of Albany, on the following conditions, namely, to print the entire proceedings and debates of this Convention, including record of votes by division and roll call from this date until the close of the Convention for a sum not

exceeding \$7,500 in each newspaper, provided said publishers will agree to mail one copy of their daily issue to the office of each newspaper and periodical in the State of New York, excepting monthly and trade publications, and to provide each member of this Convention with two copies of the newspapers containing the proceedings of this Convention; and, also, provided, that said publishers waive all further claims against the State under their contracts with the Compiler dated April 5, 1894.

Said papers to publish complete each day the Convention proceedings of the day before, unless an afternoon or evening session is held, then such afternoon or evening proceedings to be published not later than the second succeeding day.

Resolved, That before the said contract is signed, it be first submitted to the Committee on Printing and receive the approval as to details.

Resolved, That, in the opinion of the Committee, the aforesaid contract will give all needful immediate publicity to the proceedings of the Convention, and no other regular distribution of reports or documents will be required during the session of the Convention;" was lost, be reconsidered, and that that motion lay on the table.

Mr. President put the question on the motion of Mr. A. B. Steele, and it was determined in the affirmative.

Mr. Root offered a resolution in words following:

Resolved, That the Compiler appointed pursuant to the act of March 30, 1894, be, and he hereby is, called upon to inform the Convention what the documents now upon the files of delegates and numbered 9, 15, 18, 19, 20 and 23 are; pursuant to what resolutions of the Convention, if any, they have been printed; and if any of them be not printed pursuant to such a resolution, then by what authority they have been printed; and whether these papers are a part of any forthcoming volume of the Manual directed by the Legislature; and if so, whether the printing thereof as Convention documents is to be paid for separately, and by what authority these pages are called Convention documents.

Mr. President put the question on said resolution, and it was determined in the affirmative.

Mr. Moore offered a resolution in words following:

Resolved, That after July fifteenth this Convention meet Mondays and Saturdays in addition to the days in each week it now meets under the rules.

The resolution, giving rise to debate, was tabled under the rule.

Mr. Van Denbergh offered a resolution in words following:

Resolved, That the Secretary of State do furnish to this Convention the names of the judges of the Court of Appeals and the names of the justices of the Supreme Court of the State of New York, whose terms of office commenced on and since January 1, 1880, with the ages of such at the time of the commencement of their said terms, and when the official term of each commenced; when the official term of each terminated, or will terminate, either by completion of a full term or by reason of the disability of age prescribed in the Constitution.

Referred to the Committee on Judiciary.

Mr. Van Denbergh also offered a resolution in words following :

Resolved, That the Comptroller of the State of New York, do furnish to this Convention the names of the judges of the Court of Appeals of the State of New York and the names of the justices of the Supreme Court of the State of New York, with the sum paid to each annually, as such officers, since January 1, 1890, without regard to the question whether such person continues to exercise the duties and powers of his office or not.

Referred to the Committee on Judiciary.

Mr. Becker offered a resolution in words following:

Resolved, That the State Engineer be requested to furnish the Committee on Legislative Organization a map of the State showing the Senate and Assembly districts, and the population of each district and the registered vote, and the vote cast at the last general election for Senators and Members of Assembly.

Referred to the Committee on Legislative Organization.

Mr. President presented a communication from the Comptroller in words following:

STATE OF NEW YORK,
COMPTROLLER'S OFFICE,
ALBANY, *July 3, 1894.* }

Hon. Charles E. Fitch, Secretary Constitutional Convention,
Albany, N. Y.:

Dear Sir.—In relation to the resolution of the Convention requesting the Comptroller to furnish a statement of exempt property throughout the State, permit me to say that every effort is being made to obtain this information, which I shall be most happy to furnish at the earliest day possible.

Yours respectfully,

JAMES A. ROBERTS,
Comptroller.

Mr. Storm moved that the Convention take a recess until half-past two.

Mr. President put the question on said motion, and it was determined in the negative.

276.—Mr. Titus presented a proposed amendment to the Constitution providing for local option in the sale of spirituous beverages.

Referred to the Committee on Legislative Powers and Duties.

277.—By Mr. Dickey:

A proposed amendment to article 6, section 6 of the Constitution, to increase the number of judicial districts.

Referred to the Committee on Judiciary.

278.—By Mr. J. C. Davies:

A proposed amendment to article 3, section 2 of the Constitution, relative to the tenure of office of Senators and Members of Assembly.

Referred to the Committee on Legislative Organization.

279.—By Mr. Kellogg:

A proposed amendment to the Constitution providing that statements of taxable property be furnished the Boards of Assessors.

Referred to the Committee on State Finances and Taxation.

280.—Also, a proposed amendment to article 1, section 6 of the Constitution, prohibiting the passage of laws to cure a jurisdictional defect in any proceeding affecting the title to property.

Referred to the Committee on Powers and Duties of the Legislature.

281.—Also, a proposed amendment to article 3, section 17 of the Constitution, prohibiting the passage of laws to render valid previously void conveyances of property.

Referred to the Committee on Powers and Duties of the Legislature.

282.—Also, a proposed amendment to the Constitution providing for an equal and uniform taxation of property in this State.

Referred to the Committee on State Finances.

283.—By Mr. Mantanye:

A proposed amendment to article 10, section 1 of the Constitution, relative to the election and tenure of office of sheriff and other county officers.

Referred to the Committee on Judiciary; also, County, Town and Village Officers.

284.—Also, a proposed amendment to article 3, section 22 of the Constitution, relative to the election of supervisors in towns and villages.

Referred to the Committee on Judiciary; also, County, Town and Village Officers.

Leave of absence was granted to Mr. Peabody from to-morrow's session.

On motion of Mr. Durfee, at 1.05 o'clock, the Convention adjourned.

Friday, July 6, 1894.

The Convention met pursuant to adjournment.

Prayer by Rev. Dr. S. F. Morrow.

The Journal of Thursday, July fifth, was read and approved.

Mr. President presented a communication from the State Charities Aid Association in reference to the support of children at public expense in private institutions in New York city.

Referred to the Committee on Charities.

Also, communications from citizens of New York in favor of civil service reform.

Referred to the Committee on Civil Service.

Mr. President appointed Mr. Deady on the Railroad Committee in place of Mr. Koch, who has not been present in the Convention.

Mr. Cochran asked that page 314 of the Journal of June twenty-eighth be so changed that he would appear as having asked and been excused from voting on the report of the Committee on Privileges and Elections in the case of Messrs. Putnam and Sullivan v. Messrs. Trapper and Beckwith.

Mr. Moore called up the resolution previously offered by him in words following :

Resolved, That after July fifteenth, this Convention meet Mondays and Saturdays, in addition to the days of the week it now meets under the rule.

Mr. Moore moved that said resolution be made a special order for next Wednesday morning, immediately after the reading of the Journal, and it was determined in the negative, two-thirds of all the delegates elected to the Convention not voting in favor thereof.

Mr. Alvord moved the previous question, and it was determined in the affirmative.

Mr. Foote called for a division of the question.

Mr. President put the question as to whether the Convention would meet on Mondays, and it was determined in the negative.

Mr. President put the question as to whether the Convention would meet on Saturdays, and it was determined in the negative.

Mr. Towns offered a resolution in words following :

Whereas, The Attorney General of the United States has directed one of the District Attorneys to convene an extraordinary United States Grand Jury for the purpose of indicting one Eugene Debs, a citizen of the United States, against whom no crime was charged or specified.

Whereas, The paid soldiers of the nation have been sent to Chicago to coerce the people and shed the blood of citizens while trusts and monopolies are endowed with bounties wrung from the poor.

Resolved, That we, the representatives of the people of the State of New York, in Constitutional Convention assembled, view with alarm the extraordinary and arbitrary action of the national government, and condemn it as fraught with peril to the peace and happiness of the Republic, subversive of the rights, privileges and liberties of the citizens; and the exercise of national powers, not authorized or implied by the Constitution of the United States or the laws thereof.

Mr. Dean moved the previous question, and it was determined in the affirmative.

Mr. President put the question on the adoption of the resolution, and it was determined in the negative.

Mr. President presented a communication from the Compiler, in words following :

To the Constitutional Convention :

Gentlemen.—In compliance with the resolution adopted by your honorable body July fifth, I would respectfully report that Document No. 9 was printed from copy supplied by the Secretary; Document No. 15 was printed in accordance with a resolution of your honorable body, adopted May twenty-ninth. Documents Nos. 18, 19, 20 and 23 were not ordered by me, and I have given no receipt for the same to the contractors. Documents Nos. 18, 19, 20, and 23 are from the volume of statistics in preparation for the Convention.

I have given my receipt for no documents or printing of any kind for this Convention, not ordered in the regular manner, except for Document No. 3, ordered by Mr. Root, of the Committee on Rules, Document No. 5, ordered by the sub-committee

of the Judiciary Committee, and Document No. 8, ordered by Mr. Hamlin, of the Printing Committee. The orders for these documents were given to the contractors by the gentlemen named.

Respectfully yours,

GEORGE A. GLYNN,

Compiler.

Albany, July 6, 1894.

285.—Mr. Tucker presented a proposed amendment to article 13 of the Constitution, in order to insure the meeting of future Constitutional Conventions when the same are demanded by popular vote.

Referred to the Committee on Constitutional Amendments.

286.—By Mr. McDonough :

A proposed amendment to article 3, section 15 of the Constitution, relating to the passage of laws.

Referred to the Committee on Powers and Duties of the Legislature.

Mr. Root, from the Committee on Judiciary, to which was referred the resolution introduced by Mr. McLaughlin, reported in favor of the passage of the same, without amendment, in words following :

Resolved, That the clerk of the Court of Appeals be requested to furnish to this Convention on or before July ninth, the statement as to the time when the present Calendar of the Court of Appeals was made up, the number of causes then placed thereon, the number of cases since added thereto, the causes since argued and disposed of, and the number of causes now remaining on said calendar undisposed of; that said clerk also furnish a statement of the number of appeals taken to and filed in said court since said calendar was made up and not on said calendar.

Mr. President put the question on the adoption of said report, and it was determined in the affirmative.

Mr. Root, from the Committee on Rules, reported the following new rules as recommended by the committee.

Rule 73.—After the fifteenth day of July, no further propositions for constitutional amendment shall be printed or referred as of course under Rule 32, but all such propositions shall be

referred without printing, to a select committee of five, to be appointed by the President, for examination and comparison with proposed constitutional amendments already introduced and referred.

If any such proposition shall be found to relate to a subject already under consideration by a standing committee, the select committee shall transmit the same without printing, directly to such standing committee for its information. Upon all other propositions so referred to such select committee it shall report whether in its opinion the same ought to be printed, and referred under Rule 32. On the first day of August the call for proposed constitutional amendments, by districts, under Rule 3, shall be discontinued, and thereafter no proposed constitutional amendment shall be introduced, except on the report of a standing or select committee.

Rule 74.—After the 15th day of July, 1894, no member of this Convention shall receive pay for any day upon which the Convention is in session and he is absent without leave. After the same date no member shall receive pay for any day of any calendar week, during which he is absent without leave from all the sessions of the Convention.

Mr. President put the question on the adoption of Rule 73, as reported by the Committee on Rules, and it was determined in the affirmative.

The question then being on the adoption of Rule 74, as reported.

Mr. Riggs moved to recommit Rule 74, to the Committee on Rules, with instructions to provide a manner for obtaining information as to who are present.

Mr. President put the question on said motion, and it was determined in the negative.

Mr. President put the question on the adoption of Rule 74, and it was determined in the affirmative.

Mr. Goodelle, from the Committee on Suffrage, to which was referred to the proposed constitutional amendment introduced by Mr. Hill, introductory No. 183, printed No. 184, entitled "Proposed constitutional amendment to amend section 5 of article 2 of the Constitution, relating to the manner of elections," reported in favor of the passage of the same, with some amendments, which

report was agreed to and said amendment committed to the Committee of the Whole.

Mr. Becker, from the Committee on Legislative Organization, to which was referred the resolution introduced by Mr. Becker, reported in favor of the passage of the same, with some amendments, to read as follows :

Resolved, That the State Engineer be requested to furnish the Committee on Legislative Organization, two maps of the State, one showing the Senate and one showing the Assembly districts, and the population of each district, classified as citizens and aliens by the counties and districts, and the vote cast at the last general election for Senators and Members of Assembly.

Mr. President put the question on the adoption of said report, and it was determined in the affirmative.

Leave of absence was granted to Mr. E. A. Brown and Mr. Cookinham for to-day, and to Mr. Ackerly for Tuesday and on Wednesday next, until 11.30 A. M.

On motion of Mr. Foote, at 10.50, the Convention adjourned.

Tuesday, July 10, 1894.

The Convention met pursuant to adjournment.

Prayer by Rev. Charles W. Hardendorf.

The Journal of Friday, July sixth, was read and approved.

Mr. President announced the following as the Select Committee of five, under Rule 73.

E. R. Brown, McKinstry, Church, Bowers, T. W. Fitzgerald.

Mr. President announced appointments as follows :

Mr. Putnam in place of Mr. Trapper, on the Committee on Industrials.

Mr. T. A. Sullivan in place of Mr. Trapper, on the Committee on Governor and State Officers, and on the Committee on Printing, in place of Mr. Beckwith.

Mr. President presented memorials and petitions in favor of civil service.

Referred to the Committee on Civil Service.

Also, a communication from the president of the "Sheltering Arms" and the "Childrens' Fold," relative to sectarian appropriations.

Referred to the Committee on Charities.

Mr. McMillan, by request, presented petitions in favor of civil service.

Referred to the Committee on Civil Service.

Mr. Hamlin presented the protest of citizens against female suffrage.

Referred to the Committee on Suffrage.

Mr. Countryman presented petitions asking State inspection of certain religious institutions.

Referred to the Committee on Charities.

Mr. Goodelle presented, by request, petitions in favor of female suffrage.

Referred to the Committee on Suffrage.

Also, by request, a protest against female suffrage.

Referred to the Committee on Suffrage.

Mr. A. B. Steele presented petitions against sectarian appropriations.

Referred to the Committee on Charities.

Mr. Morton presented petitions in favor of female suffrage.

Referred to the Committee on Suffrage.

Mr. O'Brien presented petitions in favor of female suffrage.

Referred to the Committee on Suffrage.

Mr. Vedder presented petitions in favor of female suffrage.

Referred to the Committee on Suffrage.

Mr. Hedges presented a petition against sectarian appropriations.

Referred to the Committee on Charities.

By unanimous consent, Mr. Dean offered a resolution in words following:

Whereas, Anarchy has raised its hateful head in this Republic, menacing the peace and good order of the common country, and

Whereas, "We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America," and

Whereas, The members of this Convention have taken an oath to support the Constitution of the United States, of which the above is the preamble, and which provides that "this constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land," and

Whereas, The President of the United States, as commander-in-chief of the military and naval forces of the nation, to "insure domestic tranquility, provide for the common defense, promote the general welfare," has felt that it was his duty to call upon the army to support the orders of the courts and to protect the transit of the mails and of interstate commerce, and

Whereas, It is not pretended that the President in this action has violated any of the laws of the United States, and

Whereas, The House of Representatives, which is endowed with the exclusive right of impeachment, and which is now in session, has not felt called upon to take any action in the premises; therefore, be it

Resolved, That this Convention, without passing in any manner upon the merits of the quarrel between the railroad companies and their employes; recognizing only that the laws of the United States are being defiled by a lawless mob, that the processes of its courts are being held in contempt, thus laying the foundations of anarchy and bloodshed, approve of the action of the President of the United States, and be it further

Resolved, That it is the duty of the State of New York, not alone its elevated and patriotic public sentiment, but by force of arms if necessary, to sustain the President in protecting the property of the United States intrusted to his care, and in enabling the courts to discharge their duties by the people of the United States; and be it further

Resolved, That we pledge the support of the people of the State of New York to a patriotic discharge of this duty.

The resolution, giving rise to debate, was tabled under the rule.

Mr. Bigelow offered a resolution in words following :

Resolved, That the Judiciary Committee be instructed to ascertain and report the latest day to which the deliberations of this Convention can be prolonged consistently with the submission of its results to the people at the next general election, as required by law.

Mr. President put the question on said motion, and it was determined in the affirmative.

Mr. Forbes offered a resolution in words following :

Resolved, That the Committee on Revision and Engrossing be requested to compare the amendments of phraseology of the present Constitution proposed by the Convention of 1867 and report at the earliest session practicable, on the advisability of adopting such phraseology.

Mr. Mereness moved that said resolution be referred to the Committee on Revision and Engrossing, and it was determined in the affirmative.

Mr. Roche offered a resolution in words following :

Resolved, That the Comptroller be, and is, hereby requested to transmit to this Convention a statement of what lands other than the forest preserves, the canals, the salt springs and the lands upon which public buildings are erected, are owned by the State of New York, the estimated value of said property, what income is derived from the same and where situated, and what provision, if any, in his opinion, should be made for disposing of such property.

Referred to the Committee on State Finances.

Mr. Roche also offered a resolution in words following :

Resolved, That the Committee on County, Town and Village Officers are requested to draft and present for the consideration of this Convention, an amendment to section 1 of article 10 of the Constitution, so as to provide that all county officers therein named shall receive a stated compensation to be fixed by law, and that all fees which shall be paid to such officers shall be turned over to the county treasury.

Mr. McDonough moved to amend by inserting after the words "Committee on County, Town and Village Officers," the following, "if in their judgment they shall deem it necessary."

The resolution, giving rise to debate, was tabled under the rule.

Mr. Kerwin offered a resolution in words following :

Resolved, That the stenographer of the Convention furnish to the Convention printer a copy of the proceedings daily.

Mr. Cassidy moved that said resolution be referred to the Committee on Contingent expenses, with instructions to report.

Mr. President put the question on said motion, and it was determined in the negative.

Mr. Dickey moved the previous question.

Mr. President put the question on said motion, and it was determined in the affirmative.

Mr. President put the question on the resolution of Mr. Kerwin, and it was determined in the affirmative.

Mr. A. B. Steele moved to take from the table the motion to reconsider the vote by which the report of the Committee on Printing in words following :

"As to the distribution of the report of the proceedings of the Convention among the newspapers of this State, your committee offer the following preamble and resolution for the consideration of the Convention and recommend its adoption :

Whereas, It is deemed due to the people of this State that full reports of the proceedings of this Convention be published in current form, your Committee on Printing submits the following resolution and recommends its favorable consideration by the Convention;

Resolved, That the Compiler be directed to enter into a contract, if possible, with the Journal Company and The Argus Company, respectively, of the city of Albany, on the following conditions namely, to print the entire proceedings and debates of this Convention, including record of votes by division and roll call, from this date until the close of the Convention for a sum not exceeding \$7,500 in each newspaper, provided said publishers will agree to mail one copy of their daily issue to the office of each newspaper and periodical in the State of New York, excepting monthly and trade publications, and to provide each member of

this Convention with two copies of the newspapers containing the proceedings of this Convention; and, also, provided, that said publishers waive all further claims against the State under their contracts with the Compiler, dated April 5, 1894.

Said papers to publish complete each day the Convention proceedings of the day before, unless an afternoon or evening session is held, then such afternoon or evening proceedings to be published not later than the second succeeding day.

Resolved, That before the said contract is signed, it be first submitted to the Committee on Printing and receive the approval as to details.

Resolved, That in the opinion of the committee, the aforesaid contract will give all needful immediate publicity to the proceedings of the Convention, and no other regular distribution of reports or documents will be required during the session of the Convention," was carried.

Mr. President put the question on the motion of Mr. A. B. Steele to take from the table, and it was determined in the affirmative.

Mr. President put the question on the motion to reconsider, and it was determined in the negative.

Ayes — Messrs. Abbott, Baker, Barhite, Barnum, Blake, Burr, Cady, Carter, Cassidy, Church, Clark, G. W.; Clark, H. A.; Coleman, Countryman, Crosby, Davies, J. C.; Doty, Faber, Fields, Frank, Andrew; Fraser, Gibney, Gilleran, Hamlin, Hecker, Hedges, Hill, Holcomb, Hottenroth, Johnson, I. Sam; Kellogg, Lauterbach, Lincoln, Lyon, Mantanye, Marks, McClure, McDonough, McLaughlin, C. B.; Mereness, Meyenborg, Moore, Nichols, W. H.; Parker, Peck, Pool, Powell, Pratt, Riggs, Steele, A. B.; Steele, W. H.; Truax, C. S.; Tucker, Turner, Van Denbergh, Veeder, Vogt, Williams — 59.

Noes — Messrs. Acker, Allaben, Alvord, Arnold, Banks, Barraw, Bigelow, Bowers, Brown, E. R.; Campbell, Chipp, Jr.; Cochran, Cookinham, Cornwell, Curran, Danforth, Davenport, Davis, G. A.; Dean, Deyo, Dickey, Durfee, Durnin, Floyd, Foote, Forbes, Francis, Fuller, C. A.; Fuller, O. A.; Goodelle, Green, A. H.; Green, J. I.; Griswold, Hawley, Herzberg, A.; Hirschberg, M. H.; Holls, Kerwin, Kimmey, Lewis, C. H.; Manley, Maybee, McArthur, McCurdy, McIntyre, McMillan, Morton, Mullen, O'Brien, Ohmeis, Osborn, Parmenter, Phipps, Platzek, Porter, Putnam, Redman,

Roche, Roderick, Rogers, Root, Rowley, Sandford, Springweiler, Storm, Sullivan, T. A.; Sullivan, W.; Tibbetts, Titus, Truax, C. H.; Wellington, Whitmyer, Wiggins, Woodward, President — 75.

Mr. Goodelle offered a resolution in words following:

Resolved, That constitutional amendment, introductory No. 183, printed No. 184-289, entitled "Proposed constitutional amendment, to amend section 5 of article 2 of the Constitution, relating to the manner of elections," be recommitted to the Committee on Suffrage, retaining its place on General Orders.

Mr. President put the question on said motion, and it was determined in the affirmative.

Mr. Hawley offered a resolution in words following.

Resolved, That it is advisable that the general subdivisions of the Constitution into articles be preserved; but that the sections of the Constitution should be numbered consecutively from the beginning to the end thereof.

Resolved, That the foregoing resolution be referred to the Committee on Revision and Engrossment, with instructions to report thereon when directed by the Convention, or at such time as said committee shall deem to be expedient.

Mr. President put the question on the passage of the last resolution, and it was determined in the affirmative.

Mr. I. S. Johnson offered a resolution in words following :

Resolved, That hereafter the Convention may dispense with the reading of the Journal, and that amendments thereto may be made on the legislative day following that on which the printed Journal is placed on the desks of the members.

Referred to the Committee on Rules.

Mr. Doty offered a resolution in words following :

Resolved, If it be not already furnished, that the Secretary is hereby directed to obtain from the proper county officer the amount of the existing indebtedness of all the counties of the State, and also obtain the amount of the existing indebtedness of each incorporated village in the State and the amount of the assessed valuation of the real estate of such village as the same appears on the last assessment-roll of such village.

The resolution, giving rise to debate, was tabled under the rule.

Mr. Dean offered a resolution in words following :

Whereas, Section 6 of article 7 of the Constitution provides that "the Legislature shall not sell, lease or otherwise dispose of the Erie canal, the Oswego canal, the Champlain canal, the Cayuga and Seneca canal, or the Black River canal, but they shall remain the property of the State and under its management forever," and

Whereas, Section 9 of the same article provides that "the credit of the State shall not, in any manner, be given or loaned to, or in aid of, any individual, association or corporation," and

Whereas, section 10 of article 8 provides that "neither the credit nor the money of the State shall be given or loaned to or in aid of any association, corporation or private undertaking," and

Whereas, The Legislature of 1893, acting within the limitations thus fixed by the Constitution, enacted chapter 499, in which it is provided that "the Superintendent of Public Works may, from time to time, authorize any person or corporation to contract, maintain or operate electrical conductors for light, heat or power, upon or along any canals of the State or any portion thereof, upon such terms or conditions not inconsistent with the public use of such canals as he may impose; and in like manner he may contract for or permit the use of such light, heat or power upon any such canal; provided that he shall thereby create no charge against the State, except as against appropriations lawfully applicable to such purpose," and

Whereas, The Superintendent of Public Works, acting under the provisions of this statute, has entered into a pretended contract with the Cataract General Electric Company, under the provisions of which the said Cataract General Electric Company is given a monopoly of the means of economical transit of the canals for a period of fifty years, thus violating the provision that they shall "remain the property of the State and under its management forever," as well as the provisions forbidding the State to lend its money or credit to or in aid of any individual, association or corporation," and

Whereas, The said Superintendent of Public Works has assumed to go outside of the domain of the canal lands of the State, and

to pretend to grant rights to the said Cataract General Electric Company to distribute light, heat or power to any part of the State, and

Whereas, He has sought, in the fourth article of the pretended contract, to waive the power of eminent domain, an inherent right of the State, and

Whereas, The said fourth article of the pretended contract being the elective obligation of the said pretended contract, and this being void because in conflict with the Constitution of the State, it does not come within the protection of the federal Constitution inhibiting the power of the State to pass any "law violating the obligation of contracts," and

Whereas, This pretended contract is counter to the established canal policy of the State, and seeks to give to a private corporation, without any adequate consideration, rights and privileges worth millions of dollars, thus working a great wrong upon the people of this State; therefore, be it

Resolved, That this Convention, directly representing the people of the State of New York, and charged with the high duty of asserting the policy of the State, call upon the Attorney-General to bring an action against the Cataract General Electric Company, or take such other steps as may be necessary, for the purpose of annulling the so-called contract, and restoring to the people all the rights and privileges which they have by right in the canals of this State; and be it further

Resolved, That the Secretary of this Convention serve a certified copy of these resolutions upon the Attorney-General of the State, and upon the Cataract General Electric Company, to the end that it may have notice of the intended action, and that it may make no investments in good faith intended to give it any vested rights in the premises.

The resolution, giving rise to debate, was tabled under the rule.

Mr. President presented a communication from the clerk of the Court of Appeals in words following :

COURT OF APPEALS, CLERK'S OFFICE, }
ALBANY, *July 6, 1894.* }

Hon. Charles E. Fitch, Secretary of the Constitutional Convention of the State of New York:

Sir.—In response to your communication of this date, I would state that

1. The present calendar of the Court of Appeals was made up October 2, 1893.
2. The number of causes then placed thereon was 698.
3. The number of causes since added thereto is 142.
4. The number of causes since argued and disposed of is 656.
5. The number of causes now remaining on the present calendar undisposed of is 184.
6. The number of appeals taken to and filed in the Court of Appeals since said calendar was made up and not on said calendar, is 386.

Very respectfully,

GORHAM PARKS,

Clerk of the Court of Appeals.

Referred to the Committee on Judiciary.

Mr. Root, from the Committee on Judiciary, to which was referred the resolution introduced by Mr. Van Denbergh, calling upon the Secretary of State for certain information respecting the Court of Appeals and the Supreme Court, reported in favor of the passage of the same without amendment, in words following :

Resolved, That the Secretary of State do furnish to the Convention the names of the judges of the Court of Appeals and the names of the justices of the Supreme Court of the State of New York, whose terms of office commenced on and since January 1, 1880, with the ages of each at the time of the commencement of their said terms, and when the official term of each commenced, when the official term of each terminated or will terminate, either by the completion of a full term or by reason of the disability of age prescribed in the Constitution.

Mr. President put the question on the adoption of said report, and it was determined in the affirmative.

Mr. Root, from the Committee on Judiciary, to which was referred the resolution introduced by Mr. Van Denberg, calling upon the Comptroller for information concerning the judges of

the Court of Appeals, etc., reported adversely thereto, which report was agreed to.

Mr. Holls, from the Committee on Education, to which was referred the resolution introduced by Mr. Holls, entitled "A resolution asking that the reports of the various county treasurers be compiled," reported in favor of the passage of the resolution, amended to read as follows:

Resolved, That the Secretary of the Convention be and he hereby is directed to tabulate and compile and to have immediately printed, the reports from the treasurers of the various counties of the State and the chief fiscal officer of every city, in answer to the communication sent them May twenty-third, asking for a detailed statement of all moneys paid by them during the last three years to institutions, whether under sectarian control or not, giving the name of the institution and the religious denomination or denominations in control.

Mr. President put the question on the adoption of said report, and it was determined in the affirmative.

Mr. Holls, from the Committee on Education, reported in favor of the passage of the following resolution and recommended its adoption:

Resolved, That the Secretary of this Convention communicate with the boards of education of the various cities of the State, and with the normal schools of the State, inquiring if they have any suggestions as to a possible change in the organization of the educational bureaus of the State, respecting either the Board of Regents or the Superintendent of Public Instruction. That replies be requested on or before July twentieth, inst.

Mr. President put the question on the adoption of said report, and it was determined in the affirmative.

Mr. A. H. Green, from the Special Committee on Transfer of Land Titles, presented a report in words following:

To the Constitutional Convention:

The special committee on improving the methods and lessening the cost of transferring land and interest therein, respectfully report:

That after careful consideration of the subject referred to them, they are impressed by its importance, and can but con-

clude that very great advantage, and benefits of no ordinary extent, will result to the whole people by the adoption of judicious methods of lessening the expense of the transfer of land, and by the establishment of a system of recording and indexing instruments relating thereto that shall be uniform throughout the State.

The committee, therefore, recommend that the following clauses be inserted in the Constitution:

All laws relating to the transfer of titles to, or interest in, land in this State, by conveyance, devise or descent, or the recording or indexing of instruments providing for such transfers, shall hereafter be general laws applicable to the entire State.

The Governor is directed, at the first session of the Legislature after the adoption of this Constitution, to appoint, with the advice and consent of the Senate, five persons, residents of the State, who are counselors-at-law and have been admitted to practice for not less than ten years, who shall be known as the Board of Commissioners of Land Records of the State of New York, whose duty it shall be, among other things, to be prescribed by the Legislature in connection therewith, to consider and from time to time report to the Legislature, such bills, as in their opinion, should be passed by the Legislature to reform, simplify and cheapen the transferring and dealing with the titles to and interest in land in this State.

Any vacancy in said board shall be filled in like manner as the original appointments.

Said commissioners shall serve without compensation, and shall be allowed for their reasonable expenses and clerk hire, such sums as shall be audited and approved by the State Comptroller.

Dated July 5, 1894.

ANDREW H. GREEN,
Chairman.

Referred to the Committee of the Whole.

287.—Mr. Bigelow presented a proposed amendment to article 2, section 4 of the Constitution, relative to the registration of voters.

Referred to the Committee on Suffrage.

288.—Also (by request), a proposed amendment to the Constitution to secure proportional representation.

Referred to the Committee on Suffrage; also, to the Committee on Legislature, its Organization, Powers and Duties.

289.—Also, a proposed amendment to article 13, section 2 of the Constitution, relative to future revisions of the Constitution.

Referred to the Committee on Constitutional Revision.

290.—Also, a proposed amendment to the Constitution abolishing the office of Superintendent of Insurance.

Referred to the Committee on Governor and Other State Officers.

291.—Also, a proposed amendment to the Constitution abolishing the office of Superintendent of the Department of Banking.

Referred to the Committee on Governor and Other State Officers.

292.—Also, a proposed amendment to article 5, section 3 of the Constitution, abolishing the office of State Engineer and Surveyor.

Referred to the Committee on Governor and Other State Officers.

293.—By Mr. Tucker:

A proposed amendment to article 6 of the Constitution, to create a Court of Arbitration, to arbitrate differences between employers and employes.

Referred to the Committee on Industrial Interests.

294.—By Mr. Forbes:

A proposed amendment to article 8, sections 10 and 11 of the Constitution, relative to loaning the credit of the State.

Referred to the Committee on Corporations; also, Committee on Charities.

295.—By Mr. Speer.

A proposed amendment to article 3 of the Constitution, relative to home rule for cities.

Referred to the Committee on Cities.

296.—By Mr. C. B. McLaughlin:

A proposed amendment to article 6 of the Constitution, relative to the Judiciary.

Referred to the Committee on Judiciary.

297.— By Mr. Tibbetts:

A proposed amendment to article 2, section 1 of the Constitution, relating to suffrage.

Referred to the Committee on Suffrage.

298.—By Mr. O. A. Fuller:

A proposed amendment to article 8, section 1 of the Constitution, relative to corporations.

Referred to the Committee on Corporations.

On motion of Mr. Vedder, the Convention proceeded in Committee of the Whole, to the consideration of the proposed constitutional amendment, Int. No. 73, No. 173, entitled "Proposed constitutional amendment to amend section 15 of article 3 of the Constitution, in relation to the passage of bills," and, after some time spent therein, Mr. Alvord, from said committee, reported that:

The Committee of the Whole having had under consideration the proposed constitutional amendment No. 173, Int. No. 73, entitled "Proposed constitutional amendment to amend section 15 of article 3 of the Constitution, in relation to the passage of bills," reported progress in the same, and asked leave to sit again.

Mr. President put the question on granting leave, and it was determined in the affirmative.

Mr. Vedder moved that the proposed constitutional amendment be printed as amended in Committee of the Whole, and it was determined in the affirmative.

By unanimous consent, Mr. Barhite offered a resolution in words following:

Resolved, That it be referred to the Committee on Rules to report to this Convention a rule which shall provide for the printing or placing in the hands of members substitutes to proposed amendments to the Constitution or amendments to proposed amendments, exceeding twenty-five words in length, which may be offered in Committee of the Whole or in the Convention, and it was determined in the affirmative.

Mr. Acker asked to be, and was, excused from attendance on the sessions of the Convention for the balance of this week.

Leave of absence was granted to Mr. Towns for to-day and to-morrow on account of sickness.

On motion of Mr. Roche, at 12.14, the Convention adjourned.

Wednesday, July 11, 1894.

The Convention met pursuant to adjournment.

Prayer by Rev. Lyman E. Davis.

The Journal of Tuesday, July tenth, was read and approved.

Mr. O'Brien presented the memorial of the Iron Moulders' Union, No. 107, of Auburn, relative to the competition of free and prison labor.

Referred to the Committee on State Prisons.

Mr. Gilleran presented a petition of citizens of New York city, in favor of female suffrage.

Referred to the Committee on Suffrage.

Mr. Storms moved that the resolution offered by Mr. Dean yesterday, relating to the approving of the action of the President of the United States in calling out the national troops, be laid on the table.

Mr. President put the question on said motion, and it was determined in the affirmative.

Mr. Doty called up the resolution offered by him, in words following :

Resolved, If it be not already furnished, that the Secretary is hereby directed to obtain from the proper county officer, the amount of the existing indebtedness of all the counties of the State, and also obtain the amount of the existing indebtedness of each incorporated village in the State and the amount of the assessed valuation of the real estate of such village, as the same appears on the last assessment-roll of such village.

Mr. President put the question on said resolution, and it was determined in the affirmative.

Mr. E. R. Brown offered a resolution in words following :

Resolved, That the Committee on Rules be, and hereby are, directed to report a rule providing that the Convention may cut off debate on any proposition not relating to the business of the Convention.

The resolution, giving rise to debate, was tabled under the rule.

Mr. Gilbert offered a resolution in words following :

Whereas, The members lately received into this Convention are not fully provided with places upon committees,

Resolved, That an additional member be added to the Special Committee on Civil Service.

Mr. President put the question on said resolution, and it was determined in the affirmative; and Mr. President appointed Mr. Putnam as a member of the Committee on Civil Service.

Mr. Lincoln offered a resolution in words following :

Resolved, That the Secretary procure, to be printed for the use of this Convention, 300 copies of a statement showing the population of the State by counties, classified as citizens and aliens, according to the enumeration of 1892; and also of the counties of Erie, Kings, Monroe, New York and Onondaga, by towns and wards, classified in the same manner.

The resolution, giving rise to debate, was tabled under the rule.

299.—Mr. Holcomb presented a proposed amendment to article 10, section 2 of the Constitution, relative to the appointment of officers.

Referred to the Committee on Governor and other State Officers.

300.—By Mr. Root :

A proposed amendment to article 3, section 16 of the Constitution, to secure greater publicity and deliberation in the passage of private or local bills.

Referred to the Committee on Powers and Duties of the Legislature.

301.—Also, a proposed amendment to article 6 of the Constitution, relative to the practice and procedure of the courts of this State.

Referred to the Committee on Judiciary.

302.—Also, a proposed amendment to article 6 of the Constitution, limiting the power of the courts of the State to admit persons to citizenship.

Referred to the Committee on Judiciary.

303.—By Mr. Hottenroth :

A proposed amendment to article 3, section 18 of the Constitution, relative to the power of the Legislature to pass certain local or special acts.

Referred to the Committee on Powers and Duties of the Legislature.

304.—By Mr. Peck :

A proposed amendment to article 9 of the Constitution, relating to education.

Referred to the Committee on Education.

305.—By Mr. A. B. Steele :

A proposed amendment to article 6, section 2 of the Constitution, relative to the Court of Appeals and the tenure of its judges.

Referred to the Committee on Judiciary.

306.—By Mr. Kellogg :

A proposed amendment to the Constitution relative to the equal and uniform assessment and taxation of property in this State.

Referred to the Committee on State Finances and Taxation.

307.—By Mr. Goodelle :

A proposed amendment to article 2 of the Constitution, relative to eligibility to office.

Referred to the Committee on Suffrage.

308.—Also, a proposed amendment to article 2 of the Constitution, relative to qualifications for office.

Referred to the Committee on Suffrage.

309.—By Mr. Hamlin :

A proposed amendment of article 1, section 5 of the Constitution, prohibiting the detention of witnesses after their depositions have been secured.

Referred to the Committee on Preamble and Bill of Rights.

Mr. Parkhurst, from the Committee on County, Town and Village Officers, to which was recommended the proposed constitutional amendment introduced by Mr. Carter, introductory

No. 225, entitled "Proposed constitutional amendment, to amend section 18, article 6," reported back same because it relates to judicial officers, and asked that said committee be discharged from further consideration of the same, which report was agreed to, and said amendment was referred to the Committee on Judiciary.

Mr. Alvord, from the Committee on Salt Springs, to which was referred the proposed constitutional amendment, introduced by Mr. Alvord, introductory No. 9, entitled "Proposed constitutional amendment, to amend section 7 of article 7 of the Constitution, entitled 'Salt Springs,'" reported in favor of the passage of the same with some amendments, which report was agreed to and said proposition committed to the Committee of the Whole.

By unanimous consent, Mr. Hirschberg offered a resolution in words following:

Resolved, That the evidence taken in the contest in the Sixth Senatorial district, and so much of the exhibits as either party may desire, be printed under the supervision of the Printing Committee and the Sub-Committee on Privileges and Elections.

Resolved, That such printing be done by contract, given to the bidder who will agree to do the work at the earliest date.

Mr. Bowers called for a division of the question.

Mr. President stated the question to be upon the adoption of the first resolution.

Mr. Cookinham offered the following as a substitute for said resolution:

Resolved, That the stenographer's minutes in the contested election in the Sixth Senatorial district, be printed, but not the exhibits.

Mr. Crosby moved to lay the subject upon the table.

Mr. President put the question on said motion, and it was determined in the negative.

Mr. Abbott moved to amend the substitute offered by Mr. Cookinham, by striking out the words "but not the exhibits," and inserting in lieu thereof: "As may be certified to be necessary by the Committee on Privileges and Elections."

Mr. Dean moved the previous question.

Mr. President put the question on said motion, and it was determined in the negative.

Debate being had thereon, Mr. Johnson moved the previous question, and it was determined in the affirmative.

Mr. President put the question on the motion of Mr. Abbott, and it was determined in the affirmative.

Mr. President put the question on the substitute offered by Mr. Cookinham, as amended, and it was determined in the affirmative.

Mr. President then stated the question to be upon the adoption of the second resolution offered by Mr. Hirschberg.

Debate being had thereon, Mr. Dickey offered the following as a substitute for said resolution:

Resolved, That The Argus Company do the printing, on condition that it is done within five days after the copy is delivered.

Mr. Dean moved the previous question.

Mr. President put the question on said motion, and it was determined in the affirmative.

Mr. President put the question on the substitute offered by Mr. Dickey, as amended, and it was determined in the affirmative.

Mr. Goodelle, from the Committee on Suffrage, to which was recommitted the proposed constitutional amendment, introduced by Mr. Hill, introductory No. 183, entitled "Proposed constitutional amendment, to amend section 5 of article 2 of the Constitution, relating to the manner of elections," reported in favor of the passage of the same, with some amendments, which report was agreed to and said proposition referred to the Committee of the Whole.

Mr. Vedder moved to recommit the "Proposed constitutional amendment to amend section 15 of article 3, so as to secure greater publicity and deliberation in the passage of all bills," No. 290, introductory No. 73, to the Committee on Powers and Duties of the Legislature, retaining its place on General Orders.

Mr. President put the question on said motion, and it was determined in the affirmative.

Mr. Root moved that the privileges of the floor be extended to Hon. Elbridge T. Gerry, a member of the Constitutional Convention of 1867, during his stay in the city.

Mr. President put the question on said motion, and it was determined in the affirmative.

Mr. Morton offered a resolution in words following :

Resolved, That the contesting delegates of the Sixth Senatorial district be, and they are, hereby granted the privileges of the floor of the Convention, pending the determination of said contest.

The resolution, giving rise to debate, was tabled under the rule.

On motion of Mr. Root, at 11.22, the Convention adjourned.

Thursday, July 12, 1894.

The Convention met pursuant to adjournment.

Prayer by Rev. H. C. Searles.

The Journal of Wednesday, July eleventh, was read and approved.

Mr. President presented a memorial of Montague R. Levenson.

Referred to the Committee on Suffrage.

Also, memorial in favor of Civil Service.

Referred to the Committee on Civil Service.

Also, communication from Catharine A. Stebbins in favor of female suffrage.

Referred to the Committee on Suffrage.

Mr. Smith presented the memorial of the State Board of Trade and Transportation favoring a Court of Arbitration.

Referred to the Committee on Judiciary.

Mr. President stated that an error was made by him in allowing the resolution offered by Mr. Morton, in words following:

Resolved, "That the contesting delegates of the Sixth Senate district be and they are hereby granted the privileges of the floor of the Convention pending the determination of said contest," to go over on account of debate. That, it being privileged, its consideration could then have been entertained and can now be brought before the Convention.

Mr. Bowers moved to lay said resolution on the table.

Mr. President put the question on said motion, and it was determined in the negative.

Mr. President put the question on the adoption of said resolution, and it was determined in the affirmative.

Mr. Speer offered a resolution in words following:

Resolved, That the Committee on Cities be directed to report to the Convention proposed constitutional amendment No. 299, "to secure home rule for cities," with its action thereon.

The resolution, giving rise to debate, was tabled under the rule.

Mr. Dickey offered a resolution in words following:

Resolved, That after the regular routine is gone through with, the Convention each day go into Committee of the Whole, to consider General Orders.

Referred to the Committee on Rules.

Mr. Maybee offered a resolution in words following:

"Resolved, That the Committee on Rules be instructed to inquire immediately into the reasons why, after a resolution of this Convention passed some days since, directing the stenographer to furnish copy of the debates to the Convention printer, the latest printed debates upon the files of the members of this Convention are those of June twenty-eighth, and whether or not this Convention has any power or authority over its stenographer or printer," and it was determined in the affirmative.

Mr. Becker called up the resolution offered by Mr. Lincoln in words following:

"Resolved, That the Secretary procure, to be printed for the use of the Convention, 300 copies of a statement showing the population of the State by counties, classified as citizens and aliens, according to the enumeration of 1892, and also of the counties of Erie, Kings, Monroe, New York and Onondaga by towns and wards, classified in the same manner."

Mr. President put the question on said resolution, and it was determined in the affirmative.

310.—Mr. J. Johnson presented a proposed amendment to article 8 of the Constitution, relative to elections in cities.

Referred to the Committee on Cities.

311.— By Mr. Davenport:

A proposed amendment to article 1, section 6 of the Constitution, relative to punishment for certain offenses.

Referred to the Committee on Judiciary.

312.— By Mr. Tekulsky:

A proposed amendment of article 3, section 18 of the Constitution, relative to home rule for cities.

Referred to the Committee on Cities.

313.— By Mr. Tucker:

A proposed amendment to article 8, section 1 of the Constitution, relative to the creation and limitation of corporations.

Referred to the Committee on Corporations.

314.— Also, a proposed amendment to article 8, section 2 of the Constitution, relative to the payment of wages by employers who are corporations.

Referred to the Committee on Corporations.

315.— Also a proposed amendment to article 1 of the Constitution, relative to what shall be a lawful day's work for women and minors.

Referred to the Committee on Industrial Interests.

316.— By Mr. Forbes:

A proposed amendment to article 8, section 1 of the Constitution, relative to corporations.

Referred to the Committee on Corporations.

317.— Also a proposed amendment to article 8, section 1 of the Constitution, relative to corporations.

Referred to the Committee on Corporations.

318.— By Mr. Gilleran:

A proposed amendment to article 9 of the Constitution, relating to school funds.

Referred to the Committee on Education.

319.— By Mr. Griswold:

A proposed amendment to article 8 of the Constitution, relating to parallel and competing railways.

Referred to the Committee on Railroads.

320.—Also, a proposed amendment to article 15 of the Constitution, relating to gifts by corporations to judges and members of the Legislature.

Referred to the Committee on Railroads.

321.—By Mr. Gilbert:

A proposed amendment to article 3 of the Constitution, providing for boards of arbitration.

Referred to the Committee on Industrial Interests.

322.—By Mr. W. H. Steele:

A proposed amendment to article 3, section 16 of the Constitution, relative to private and local bills.

Referred to the Committee on Legislative Powers and Duties.

323.—By Mr. Durfee (by request):

A proposed amendment to article 2 of the Constitution, relative to the method of electing public officers.

Referred to the Committee on Suffrage.

324.—Also (by request), a proposed amendment to article 4, section 3 of the Constitution, relative to the election of Governor, and Lieutenant-Governor.

Referred to the Committee on Governor and other State Officers.

325.—By Mr. Foote:

A proposed amendment to article 1, section 7 of the Constitution, authorizing the Legislature to provide for the construction of dams and reservoirs.

Referred to the Committee on Powers and Duties of the Legislature.

326.—Also, a proposed amendment to article 2, section 4 of the Constitution, relative to corrupt practices at primaries and elections.

Referred to the Committee on Judiciary.

327.—By Mr. Parker:

A proposed amendment to article 1, section 7 of the Constitution, relative to the drainage of agricultural lands.

Referred to the Committee on Preamble.

328.—By Mr. Doty:

A proposed amendment to article 6, section 6 of the Constitution, relative to the creation of a second division of the Court of Appeals.

Referred to the Committee on Judiciary.

329.—By Mr. Becker:

A proposed amendment to article 10, section 1 of the Constitution, relative to removals of public officers by the Governor.

Referred to the Committee on Judiciary.

330.—By Mr. Vedder:

A proposed amendment to article 6, section 1 of the Constitution, relative to impeachment.

Referred to the Committee on Powers and Duties of the Legislature.

Mr. Lyon, from the Committee on Contingent Expenses, reported in words following:

The Committee on Contingent Expenses, to which was referred the resolution offered by Mr. Hill, requesting the Committee on Contingent Expenses to take into consideration and report upon the question of compensation of the stenographer of the Convention for his attendance and the taking of stenographic notes of debates and proceedings of the Convention, and for the performance of such other duties as are prescribed by the rules of the Convention, reports as follows:

That the stenographer of the Convention, in addition to taking stenographic notes of the debates and proceedings of the Convention, is required by Rule 66 to transcribe and file with the Secretary of the Convention, prior to the opening of each day's session, his notes of the debates and proceedings of the preceding Convention day; and that he is further required, pursuant to the resolution of July tenth, to prepare an additional copy and deliver the same to The Argus Company from which to print the "debates" of the Convention; that the copy for The Argus Company, must, excepting upon the last day of the week's session, be delivered throughout the afternoon in order that the same may be put in type, printed and ready to be placed upon the desks of the members the following morning, and that the stenographer will be

obliged to employ several assistants in order to get out such copy to The Argus Company, promptly.

The Committee on Contingent Expenses, therefore recommends that the compensation of the stenographer for his attendance and the taking of stenographic notes of all the debates and proceedings of the Convention, from the opening to the final adjournment of the Convention, and for the performance of all other duties prescribed by the rules of the Convention, be fixed at the sum of \$1,500, which is the sum paid to the stenographer of the Senate as well as of the Assembly for taking stenographic notes of the debates and proceedings of the annual session of each body; and that the stenographer of this Convention be further paid for transcripts of the debates and proceedings of the Convention heretofore or hereafter prepared or furnished by him, pursuant to the rules or resolutions of the Convention, the sum of twenty (20) cents per folio for the first copy, and of five (5) cents per folio for each additional copy.

July 12, 1894.

GEORGE F. LYON,
Chairman.

Mr. Durfee called for a division of the question.

Mr. President stated the question to be upon the first proposition in said report, and it was determined in the affirmative.

Mr. President stated the question to be upon the second proposition in said report, and it was determined in the affirmative.

Mr. Lyon, from the Committee on Contingent Expenses, reported as follows:

The Committee on Contingent Expenses, to which was referred the resolution offered by Mr. Meyenborg, requesting the Superintendent of the Capitol to have the water tanks in the Convention chamber supplied with pure spring water at an expense not to exceed two dollars per day of session, reports in favor of the adoption of such resolution.

Mr. President put the question on the adoption of said report, and it was determined in the affirmative.

Mr. Goodelle, from the Committee on Suffrage, to which was referred the proposed constitutional amendment introduced by Mr. Lauterbach, introductory No. 258, entitled "Proposed constitutional amendment to amend article 2 of the Constitution, rela-

tive to suffrage," reported in favor of the passage of the same, with some amendments, which report was agreed to and said proposed constitutional amendment committed to the Committee of the Whole.

Mr. Goodelle, from the Committee on Suffrage, to which was referred the proposed constitutional amendment introduced by Mr. Holls, introductory No. 64, entitled "Proposed constitutional amendment to amend section 4 of article 2 of the Constitution, empowering the Legislature to enforce, by law, the duty of voting," reported in favor of the passage of the same, with some amendments, which report was agreed to and said proposed constitutional amendment committed to the Committee of the Whole.

Mr. Goodelle moved that the Convention go into Committee of the Whole on General Order No. 4, introductory No. 183, printed No. 303, entitled "Proposed constitutional amendment to amend section 5 of article 2 of the Constitution, relating to the manner of elections."

Mr. A. H. Green moved that General Order No. 5, document No. 27, entitled "Report of special committee on transfer of land titles," be considered in the same Committee of the Whole.

Pending the question, Mr. E. A. Brown moved that the Convention now adjourn.

Mr. President put the question on said motion, and it was determined in the negative.

Ayes—Messrs. Banks, Brown, E. A.; Bush, Crosby, Gilleran, Holcomb, Lincoln, Nicoll, De L.; Schumaker, Titus, Truax, C. H.; Veeder—12.

Noes—Messrs. Abbott, Ackerly, Alvord, Arnold, Baker, Barhite, Barnum, Barrow, Becker, Bigelow, Blake, Brown, E. R.; Burr, Cady, Chipp, Jr.; Church, Clark, G. W.; Clark, H. A.; Cochran, Coleman, Cookinham, Cornwell, Curran, Davenport, Davis, G. A.; Deady, Dean, Deyo, Dickey, Doty, Durnin, Emmet, Faber, Farrell, Fields, Floyd, Foote, Forbes, Francis, Frank, Andrew; Frank, Augustus; Fraser, Fuller, C. A.; Fuller, O. A.; Galinger, Gibney, Giegerich, Goeller, Goodelle, Green, A. H.; Green, J. I.; Griswold, Hawley, Hecker, Hedges, Herzberg, A.; Hill, Hirschberg, M. H.; Holls, Hottenroth, Jacobs, Jenks, Johnson, I. Sam; Johnston, R. M.; Kellogg, Kerwin, Lauterbach, Lester, Lewis, C. H.; Lewis, M. E.; Lyon, Manley, Mantanye, Marks, Mar-

shall, Maybee, McArthur, McClure, McCurdy, McDonough, McIntyre, McKinstry, McMillan, Meyenborg, Moore, Morton, Nichols, W. H.; O'Brien, Ohmeis, Parker, Parkhurst, Peck, Phipps, Platzek, Pool, Porter, Pratt, Putnam, Root, Sandford, Speer, Spencer, Springweiler, Steele, A. B.; Steele, W. H.; Storm, Sullivan, T. A.; Sullivan, W.; Towns, Turner, Vedder, Vogt, Wellington, Whitmyer, Williams, President—116.

Mr. McMillan moved that the motion of Mr. Goodelle to go into Committee of the Whole on General Orders numbers 4 and 5, be laid on the table.

Mr. President put the question on said motion, and it was determined in the affirmative.

Mr. McMillan offered a resolution in words following:

“Resolved, That the Sergeant-at-Arms cause to be placed on the desk of each delegate a file for General Orders and that all General Orders be placed on said files daily in numerical order,” and it was determined in the affirmative.

Mr. Maybee moved to go into Committee of the Whole on General Order No. 4.

On motion of Mr. McMillan, at 11.15, the Convention adjourned.

Friday, July 13, 1894.

The Convention met pursuant to adjournment.

Prayer by Rev. C. P. Evans.

The Journal of Thursday, July twelfth, was read and approved.

Mr. President presented a memorial from citizens of New York against sectarian appropriations.

Referred to the Committee on Charities.

Also, the memorial of the New York Association for Improving the Condition of the Poor, relative to education.

Referred to the Committee on Education.

Mr. Tucker presented a petition in favor of female suffrage.

Referred to the Committee on Suffrage.

Mr. President presented a communication from Edward R. James, relative to prison labor.

Referred to the Committee on State Prisons.

Mr. Hottenroth offered a resolution in words following:

Resolved, That the Secretary communicate with the State Engineer and the Superintendent of Public Works to obtain, as soon as possible, approximate detailed estimates of the cost of improving the various canals of this State, specifying each separately.

1. Of the probable cost of deepening the canals to a depth of nine feet; with or without raising the banks or raising or lowering the reservoirs or conduits thereof and also the probable extent of the land damages that might result therefrom;

2. Of the probable cost of cleaning the canals so as to give full use for navigation to the depth of seven feet;

3. Of the probable cost of lengthening all locks, not already lengthened, to a uniform length.

4. Of the probable cost of building retaining walls wherever necessary for the most effectual service.

5. Of the probable cost of constructing a suitable ship canal in place of and along the route of the present Erie canal, together with an estimate of the probable extent of land or other damages that would result from such construction.

Referred to the Committee on Canals.

Mr. Moore offered a resolution in words following :

Resolved, That the final reports of all standing or special committees shall embody in them the respective amendments by number only, considered by them in arriving at the conclusions mentioned in such report, and in substance such report shall always state that said committee has had under consideration amendments Nos. , and report on them as follows :

Referred to the Committee on Rules.

Mr. Moore also offered a resolution in words following :

Resolved, That on the coming in of a final report of any committee, if such report be not unanimous, a minority report shall be always in order at any time before the final disposition of such report by the Convention, or at such other time as the Convention may decide.

Referred to the Committee on Rules.

331.—Mr. Ackerly presented a proposed amendment to article 2 of the Constitution, relative to the election of school commissioners and appropriations for public schools.

Referred to the Committee on Suffrage.

332.—By Mr. Floyd (by request) :

A proposed amendment to article 3, section 22 of the Constitution, relative to town government.

Referred to the Committee on County, Town and Village Government.

333.—By Mr. Cochran :

A proposed amendment of article 11 of the Constitution, relating to the militia.

Referred to the Committee on Military.

334.—Also, a proposed amendment to article 2 of the Constitution, relative to voting by inmates of soldiers' homes.

Referred to the Committee on Suffrage.

335.—By Mr. Johnson:

A proposed amendment to article 8 of the Constitution, relative to the power of appointment of certain city officers.

Referred to the Committee on Cities.

336.—By Mr. Holcomb:

A proposed amendment of the Constitution, relative to incorporated companies.

Referred to the Committee on Corporations.

337.—By Mr. Sandford:

A proposed amendment to article 9 of the Constitution, relating to common schools.

Referred to the Committee on Education.

338.—By Mr. Tekulsky:

A proposed amendment to the Constitution, relative to damages in actions involving the death of any citizens.

Referred to the Committee on Judiciary.

339.—By Mr. C. S. Truax:

A proposed amendment to article 8 of the Constitution, prohibiting sectarian appropriations.

Referred to the Committee on Education.

340.—By Mr. Osborn:

A proposed amendment to article 1, relative to the delegation of the powers of the State.

Referred to the Committee on Preamble.

341.—By Mr. Gibney:

A proposed amendment to article 3 of the Constitution, relative to arbitrations and strikes.

Referred to the Committee on Industrial Interests.

342.—Also, A proposed amendment to article 7 of the Constitution, relating to local taxation.

Referred to the Committee on State Finances and Taxation.

343.—By Mr. Hottenroth:

A proposed amendment to article 1 of the Constitution, relative to taking property for public use.

Referred to the Committee on Preamble and Bill of Rights.

344.—Also, a proposed amendment to article 8, section 9 of the Constitution, relative to assessments for improvements.

Referred to the Committee on State Finances and Taxation.

345.—Also, a proposed amendment to article 3, section 18 of the Constitution, relative to railway franchises.

Referred to the Committee on Railroads.

346.—By Mr. Banks:

A proposed amendment to article 7 of the Constitution, relative to State contracts.

Referred to the Committee on State Finances and Taxation.

347.—By Mr. Moore :

A proposed amendment to article 12 of the Constitution, relative to bribery and corrupt practices at elections.

Referred to the Committee on Suffrage.

348.—By Mr. Roche :

A proposed amendment to article 8, section 1 of the Constitution, relative to corporations.

Referred to the Committee on Corporations.

349.—Also, a proposed amendment to article 10, section 1 of the Constitution, relative to county officers.

Referred to the Committee on County, Town and Village Officers.

350.—By Mr. Peck :

A proposed amendment to article 3 of the Constitution, relative to future organization of the Senate and Assembly.

Referred to the Committee on Legislative Organization.

351.—By Mr. H. A. Clark :

A proposed amendment to article 3 of the Constitution, relative to the powers of the Legislature to form and divide counties.

Referred to the Committee on Powers and Duties of the Legislature.

352.—By Mr. W. H. Nichols (by request) :

A proposed amendment to the Constitution relative to soldiers and sailors' homes.

Referred to the Committee on Powers and Duties of the Legislature.

353.—By Mr. Andrew Frank :

A proposed amendment to article 5 of the Constitution, relative to the election of State officers.

Referred to the Committee on Governor and Other State Officers.

Mr. Abbott, from the Committee on Governor and Other State Officers, reported in words following :

“The Committee on Governor and Other State Officers respectfully report that having had proposed amendment No. 305, relating to choice or appointment of officers, under consideration, and believing that the subject matter thereof properly comes within the province of the Committee on County, Town and Village Officers, therefore asks to be excused from its further consideration, and that the said proposed amendment be referred to said Committee on County, Town and Village Officers,” which report was agreed to.

And said amendment was referred to the Committee on County, Town and Village Officers.

Mr. Root, from the Committee on Judiciary, submitted the following report :

To the Convention :

The Committee on Judiciary, to which have been referred the proposed constitutional amendments, Nos. 7, 17, 28, 36, 53, 75 and 184, relating to the subject of trial by jury, respectfully report, four members dissenting, that it has fully considered the proposed amendments, and that in the judgment of the committee, no amendment should be made to the provisions of the existing Constitution relating to that subject.

ELIHU ROOT,
Chairman.

Mr. Platzek moved to disagree with the report of the Judiciary Committee so far as the same relates to No. 28.

Mr. J. I. Greene moved that the whole report be made a special order for Tuesday, July twenty-fourth.

Mr. Platzek accepted the amendment.

Mr. Root moved to amend by striking out "twenty-fourth" and insert "nineteenth" in lieu thereof.

Mr. Mulqueen moved to strike out "Tuesday, July twenty-fourth," and insert in lieu thereof, "Thursday, July nineteenth."

Mr. Arnold moved the previous question.

Mr. President put the question on said motion, and it was determined in the affirmative.

Mr. President put the question on the motion of Mr. Mulqueen, and it was determined in the affirmative.

Mr. President put the question on the motion of Mr. Platzek as amended, and it was determined in the negative, two-thirds of all the members elected to the Convention not voting in favor thereof.

Mr. Roche moved that the report be made a special order for next Wednesday, July eighteenth.

Mr. Vedder moved to amend by striking out all after "special order" and inserting in lieu thereof "for next Tuesday evening, July seventeenth, at eight o'clock, and that a special session be held at that time for that purpose only."

Mr. President put the question on the motion of Mr. Vedder and it was determined in the affirmative, two-thirds of all the members elected to the Convention voting in favor thereof.

Mr. President put the question on the motion of Mr. Roche, as amended, and it was determined in the affirmative, two-thirds of all the members elected to the Convention voting in favor thereof.

Mr. Root, from the Committee on Judiciary, to which was referred the proposed constitutional amendment, introductory No. 76, entitled "Proposed amendment to amend section 6 of article 1 of the Constitution, in reference to the abolition of capital punishment and discharge of persons imprisoned after indictment and awaiting trial ten months," reported that, in the judgment of the committee, no amendment should be made to the provisions of the existing Constitution relating to that subject.

Mr. J. I. Green moved that said report be made a special order for Wednesday evening, at eight o'clock, and it was determined in the negative, two-thirds of all the members elected to the Convention not voting in favor thereof.

Mr. Bowers moved that said report be made a special order for Tuesday morning next.

Mr. President put the question on said motion, and it was determined in the affirmative, two-thirds of all the members elected to the Convention voting in favor thereof.

Mr. Root, from the Committee on Judiciary, to which was referred the proposed constitutional amendment, introductory No. 15, entitled "Proposed constitutional amendment to amend section 7 of article 1, referring to taking private property for public use," reported that, in the opinion of the committee, no amendment should be made to the provisions of the existing Constitution relating to that subject.

Mr. Marks moved that said report be made a special order for next Tuesday.

Mr. Bigelow moved to lay said report on the table.

Mr. President put the question on said motion, and it was determined in the affirmative.

Mr. Root, from the Committee on Judiciary, to which was referred the proposed constitutional amendment, introductory No. 36, entitled "Proposed constitutional amendment to amend section 3 of article 1 of the Constitution, in regard to judgments on appeal, protection of witnesses," etc., reported that, in the opinion of the committee, no amendment should be made to the provisions of the existing Constitution relating to that subject. Two members dissenting.

Mr. Giegerich moved to lay said report on the table, and it was determined in the affirmative.

Mr. Root, from the Committee on Judiciary, to which was referred the proposed constitutional amendment, introductory No. 174, entitled "Proposed constitutional amendment to amend the judiciary article of the Constitution," reported adversely thereto, and said report was agreed to.

Mr. Root, from the Committee on Judiciary, to which was referred the proposed constitutional amendment, introductory No. 39, entitled "Proposed constitutional amendment to add a

new article to the Constitution, in regard to presidential electors," reported adversely thereto.

Mr. Giergerich moved that said report lay on the table.

Mr. President put the question on said motion, and it was determined in the affirmative.

Mr. Root, from the Committee on Judiciary, to which was referred the proposed constitutional amendment, introductory No. 214, entitled "Proposed constitutional amendment to amend article 6 of the Constitution by inserting therein a new section providing for electing referees," reported adversely thereto, and said report was agreed to.

Mr. Root, from the Committee on Judiciary, to which was referred the proposed constitutional amendment, introductory No. 195, entitled "Proposed constitutional amendment to amend section 10 of article 1 of the Constitution, providing that divorce proceedings be had in open court before a judge thereof as follows," reported adversely thereto, and said report was agreed to.

Mr. Root, from the Committee on Judiciary, to which was referred the proposed constitutional amendment, introductory No. 196, entitled "Proposed constitutional amendment to amend section 3 of article 15 of the Constitution," reported adversely thereto.

Mr. J. I. Green moved that said report be made a special order for Tuesday next, after the previous special orders.

Mr. President put the question on said motion, and it was determined in the affirmative, two-thirds of all the members elected to the Convention voting in favor thereof:

Mr. Root, from the Committee on Judiciary, to which was referred the proposed constitutional amendment, introductory No. 213, entitled "Proposed constitutional amendment to amend article 6 of the Constitution, being the judiciary article, by adding a new section thereto," reported adversely thereto.

Mr. Titus moved that said report be made a special order for Tuesday morning next, after the previous special orders.

Mr. President put the question on said motion, and it was determined in the affirmative, two-thirds of all the members elected to the Convention voting in favor thereof:

Mr. Parkhurst, from the Committee on County, Town and Village Officers, to which was referred the constitutional amend-

ment introduced by Mr. Dickey, introductory No. 6, entitled "Proposed constitutional amendment to amend article 10 of the Constitution, to do away with the office of coroner as a constitutional office, reported in favor of the passage of the same without amendment, one member dissenting, which report was agreed to and said proposed constitutional amendment committed to the Committee of the Whole.

Mr. Davies, from the Committee on Railroads, to which was recommitted the resolution introduced by Mr. Hottenroth, reported in favor of the same without amendment, in words following :

"Resolved, That the Secretary of this Convention communicate with the Secretary of State, with the mayors of cities and the Railroad Commissioners :

1. A list of railroads and elevated and street surface railways in this State for the construction and operation of which franchises have been granted, but which have not been constructed, or if partly constructed, the extent of such construction.

2. A list of railroads and elevated and street surface railways in this State for the construction and operation of which franchises have been granted, and which have been constructed, but which are not operated, or, is partly operated, the portions operated.

And also, the location of the routes, the dates of the granting of the franchises, by whom granted and whether the corporations controlling them were organized under general laws or special statutes."

Mr. President put the question on the adoption of said report, and it was determined in the affirmative.

Mr. Peck rose to a question of privilege and, in connection therewith, offered a resolution in words following:

Resolved, That this Convention has heard, with indignation and regret, that an editorial attack has been made this morning upon a venerable and distinguished member of this Convention; also, a member of the Convention of 1867; that the Convention condemns its publication and hereby extends to Hon. John M. Francis a most cordial expression of its confidence and respect, and refrain from dignifying the attack by taking further action.

Remarks were made by Messrs. Bigelow, Root, J. Johnson and Alvord.

Mr. President put the question on said resolution, and it was adopted unanimously by a rising vote.

Mr. Cookinham moved that the Convention now adjourn, and it was determined in the affirmative.

And, at 11.55, the Convention adjourned.

Tuesday, July 17, 1894.

The Convention met pursuant to adjournment.

Prayer by Rev. A. K. Duff.

The Journal of Friday, July thirteenth, was read and approved.

Mr. Francis rose to a question of privilege and stated :

Mr. President—I rise to a question of privilege. Referring to the closing proceedings of this Convention at its last session, I have to say that its unanimous action, in a matter wherein my name was made conspicuously prominent, has deeply touched my heart. This cordial expression of confidence and respect under trying circumstances that need no exposition from me, I shall cherish as a testimonial to be consecrated as very sacred in memory. Democratic colleagues with Republican representatives here uniting as of one mind with all the forces of moral will power aroused to intense expression, was a manifestation unprecedented—illustrative, too, of the poetic apothegm,

“One touch of nature makes the whole world kin.”

Mr. President and gentlemen of the Convention, while fully recognizing that personality should always be subordinated to principle and dignity, I tender to you the best I can give from this place, the offering of sincere and hearty thanks.

Mr. Bowers moved to correct the Journal of date July tenth, page 350, by changing the word “printed” in Mr. Kerwin’s resolution, to “printer.”

Mr. President put the question on said motion, and it was determined in the affirmative.

Mr. President presented a communication from the president of the Bank for Savings of New York, relative to unclaimed deposits.

Referred to the Committee on Banking.

Also, petitions in favor of civil service.

Referred to the Committee on Civil Service.

Also, memorial from the Manhattan Single Tax Club.

Referred to the Committee on State Finances and Taxation.

Mr. McDonough presented a petition asking for the State inspection of certain religious institutions.

Referred to the Committee on Charities.

Mr. Putnam presented a petition in favor of civil service.
Referred to the Committee on Civil Service.

Mr. Hill presented the petition of certain Collegiate Alumnae asking the divorce of the public school system from politics.

Referred to the Committee on Education.

Mr. Springweiller presented the memorial of 75,000 wage-workers of the State in favor of the proposed anti-conspiracy amendments to the Constitution.

Referred to the Committee on Industrial Interests.

354.—Mr. Pratt, by unanimous consent (by request), presented a proposed amendment to article 6, section 18 of the Constitution, relating to the election of justices of the peace and other inferior judicial officers.

Referred to the Committee on Judiciary.

By vote of the Convention Mr. Cookinham was excused from attendance this evening and Wednesday; Mr. Gilbert for to-day; Mr. Peabody during his illness, and Mr. E. A. Brown, for to-morrow.

Mr. President presented a communication from the Secretary of State in response to the resolution of Mr. Van Denbergh, as reported by the Judiciary Committee, relative to the judges of the Court of Appeals and the dates of their appointment.

Referred to the Committee on Judiciary.

Mr. Marks offered a resolution in words following :

“Resolved, That amendment No. 15, as amended by the proposer, and reported upon adversely by the Judiciary Committee, be printed and placed on the files of the delegates.”

Mr. President put the question on said resolution, and it was determined in the negative.

Mr. Osborn moved that the Committee on Preamble and Bill of Rights be discharged from the consideration of proposed constitutional amendment No. 349, introductory No. 340, and that the same be referred to the Committee on Legislative Powers and Duties.

Mr. President put the question on said motion, and it was determined in the affirmative.

Mr. Van Denbergh moved that the communication from the Secretary of State, relating to the judges of the Court of Appeals and the date of their appointment, be printed, and it was determined in the affirmative. (See Document No. 29.)

Mr. Root, from the Committee on Rules, to which was referred the resolution introduced by Mr. Nichols, June 22, 1894, concerning adverse reports of standing committees, reported in favor of the passage of the same, with one amendment, so as to read as follows :

“Resolved, That whenever a committee shall have acted adversely on any proposed amendment to the Constitution, such committee need not report such adverse determination, unless requested, in writing, by the member introducing such amendment, so to do.”

Mr. President put the question on the adoption of said report, and it was determined in the affirmative.

Mr. Root, from the Committee on Rules, to which was referred the following resolution introduced by Mr. Dickey, July 12, 1894, relating to General Orders, reported that, in the opinion of the committee, the subject is sufficiently covered by the standing rules in which they deem it inexpedient to make any change at the present time.

Mr. Root, from the Committee on Rules, to which was referred the resolution introduced by Mr. Barhite, July 10, 1894, requesting Committee on Rules to report rule concerning printing of amendments to proposed amendments, reported adversely thereto.

On motion of Mr. Root, said resolution was recommitted to the Committee on Rules.

Mr. Francis moved that the Committee on Preamble and Bill of Rights be discharged from the further consideration of proposed constitutional amendment, introductory No. 264, printed

No. 266, entitled "Proposed constitutional amendment to amend the Constitution by adding to the first article thereof a new section, relating to the punishment of inmates of prisons, asylums and alms-houses," and that the same be referred to the Committee on State Prisons.

Mr. President put the question on said motion, and it was determined in the affirmative.

Mr. President announced the special order being the report of the Judiciary Committee in words following :

"Mr. Root, from the Committee on Judiciary, to which was referred the proposed constitutional amendment, introductory No. 76, entitled 'Proposed constitutional amendment to amend section 6 of article 1 of the Constitution, in reference to the abolition of capital punishment and discharge of persons imprisoned after indictment and awaiting trial ten months,' respectfully reports that, in the judgment of the committee, no amendment should be made to the provisions of the existing Constitution relating to that subject."

Debate being had thereon, Mr. President put the question on the adoption of said report, and it was determined in the affirmative.

Also, the report of the Judiciary Committee in words following :

"Mr. Root, from the Committee on Judiciary, to which was referred the proposed constitutional amendment, introduced by Mr. J. I. Greene, introductory No. 196, entitled 'Proposed constitutional amendment to amend section 3 of article 15 of the Constitution,' reported adversely thereto."

Debate being had thereon, Mr. President put the question on the adoption of said report, and it was determined in the affirmative.

Also, the report of the Committee on Judiciary, in words following :

"Mr. Root, from the Committee on Judiciary, to which was referred the proposed constitutional amendment, introductory No. 213, entitled 'Proposed constitutional amendment to amend article 6 of the Constitution, being the judiciary article, by adding a new section thereto,' reported adversely thereto."

The question being on the adoption of said report, Mr. Titus offered the following resolution:

Resolved, That the proposed constitutional amendment, printed No. 215, introductory No. 213, to amend article 6 of the Constitution, being the judiciary article, by adding a new section thereto, be recommitted to the Committee on Judiciary, with instructions to investigate and consider whether said amendment should not be so altered as to give the Legislature power to create such a court whenever they deem the public needs require it; and to report to this Convention with all convenient speed.

Mr. President put the question on said resolution, and it was determined in the negative.

Mr. Titus moved to lay the report on the table.

Mr. President put the question on said motion, and it was determined in the negative.

Mr. President put the question on the adoption of the report of the Judiciary Committee, and it was determined in the affirmative.

Mr. President announced the order of business "General Orders."

The Convention then went into Committee of the Whole, and, after some time spent therein, Mr. W. H. Steele, from said committee, reported as follows:

The Committee of the Whole have had under consideration the proposed constitutional amendment No. 304, introductory No. 9, entitled "Proposed constitutional amendment to amend section 7 of article 7 of the Constitution, entitled 'Salt Springs,'" report progress in the same, and asked leave to sit again.

Mr. President put the question on granting leave to sit again, and it was determined in the affirmative.

Mr. Platzek moved that said proposed amendment to the Constitution, together with the amendments proposed in Committee of the Whole, be printed, and it was determined in the affirmative.

Mr. Pratt moved that the Convention adjourn.

Mr. President put the question on said motion, and it was determined in the negative.

Ayes — Messrs. Abbott, Allaben, Barhite, Barrow, Campbell, Cookinham, Countryman, Davies, J. C.; Deady, Durfee, Faber, Francis, Frank, Andrew; Gilleran, Smith, Wiggins — 16.

Noes — Messrs. Alvord, Arnold, Becker, Blake, Bowers, Brown, E. A.; Brown, E. R.; Cady, Carter, Cassidy, Chipp, Jr.; Church, Clark, G. W.; Clark, H. A.; Cochran, Coleman, Cornwell, Crosby, Curran, Danforth, Davenport, Davis, G. A.; Dean, Deyo, Dickey, Doty, Durnin, Emmet, Fields, Floyd, Foote, Frank, Augustus; Fuller, C. A.; Fuller, O. A.; Galinger, Gibney, Giergerich, Goeller, Green, A. H.; Green, J. I.; Hamlin, Hawley, Hecker, Hedges, Herzberg, A.; Hill, Hirschberg, M. H.; Holcomb, Holls, Hotchkiss, Hottenroth, Jacobs, Johnson, I. Sam; Johnston, J.; Kellogg, Kerwin, Kimmey, Lauterbach, Lester, Lewis, C. H.; Lincoln, Lyon, Manley, Mantanye, Marks, Marshall, McArthur, McCurdy, McIntyre, McKinstry, McLaughlin, C. B.; McLaughlin, J. W.; Mereness, Meyenborg, Moore, Morton, Mullen, Nichols, W. H.; Nicoll, De L.; O'Brien, Ohmeis, Osborn, Parker, Parkhurst, Peck, Phipps, Platzek, Pool, Porter, Powell, Pratt, Putnam, Redman, Riggs, Roche, Roderick, Rogers, Root, Rowley, Sandford, Schumaker, Speer, Spencer, Springweiler, Steele, A. B.; Steele, W. H.; Storm, Sullivan, T. A.; Sullivan, W.; Tekulsky, Tibbetts, Titus, Towns, Truax, C. H.; Truax, C. S.; Tucker, Turner, Van Denbergh, Vedder, Veeder, Vogt, Wellington, Whitmyer, Williams, Woodward, President — 126.

Mr. Hawley moved that the Convention take a recess until eight o'clock.

Mr. President put the question on said motion, and it was determined in the affirmative.

And, at 12.25, the Convention took a recess.

EVENING SESSION.

Eight o'clock P. M.

The Convention again met.

Mr. President announced the special order being the report of the Judiciary Committee, in words following :

The Committee on Judiciary, to which have been referred the proposed constitutional amendments, Nos. 7, 17, 28, 36, 53, 75 and 185 relating to the subject of trial by jury, respectfully report, four members dissenting, that it has fully considered the proposed amendments, and that, in the judgment of the committee, no amendment should be made to the provisions of the existing Constitution relating to that subject.

The amendments are as follows :

No. 7, entitled "Proposed constitutional amendment to amend article 1 of the Constitution, providing that jurors shall be six in number instead of common-law jury of twelve."

No. 17, entitled "Proposed constitutional amendment to amend section 2 of article 1 of the Constitution, providing for drawing of additional jurors in civil and criminal cases."

No. 28, entitled "Proposed constitutional amendment to amend section 2 of article 1 of the Constitution, so as to permit three-fourths of jurors in civil actions to render a verdict."

No. 36, entitled "Proposed constitutional amendment to amend section 2 of article 1 of the Constitution, in regard to judgments on appeal, protection of witnesses," etc.

No. 53, entitled "Proposed constitutional amendment to amend section 2 of article 1 of the Constitution, relating to trials by jury."

No. 75, entitled "Proposed constitutional amendment to amend section 2 of article 1 of the Constitution, in reference to the procedure in case of death or disability of one or more jurors in criminal cases."

No. 185, entitled "Proposed constitutional amendment to amend section 2 of article 1 of the Constitution, relating to trials by jury."

After debate by Mr. Platzek, Mr. Dickey, Mr. Marks, Mr. C. H. Truax, Mr. J. I. Green, Mr. E. A. Brown, Mr. Lincoln, Mr. Good-

elle, Mr. Countryman and Mr. Barhite, Mr. Barhite moved that the report of the Committee on Judiciary be recommitted to that committee, with instructions to report separately from the others those propositions which relate exclusively to the number of jurors which shall be required to render a verdict in a civil action.

Mr. Dean moved the previous question on the motion of Mr. Barhite.

Mr. President put the question on said motion, and it was determined in the affirmative.

Mr. President put the question on the motion of Mr. Barhite, and it was determined in the negative.

Mr. Goodelle moved that the report be recommitted to the Committee on Judiciary with instructions to report on each proposed constitutional amendment separately.

Mr. Hamlin moved the previous question on the motion of Mr. Goodelle.

Mr. President put the question on the motion of Mr. Hamlin, and it was determined in the negative.

Debate being had thereon, Mr. Hotchkiss moved the previous question.

Mr. President put the question on said motion, and it was determined in the affirmative.

Mr. President then put the question on the adoption of the report of the committee, and it was determined in the affirmative.

Ayes — Messrs. Abbott, Allaben, Alvord, Banks, Barhite, Barnum, Barrow, Becker, Bigelow, Bowers, Brown, E. R.; Bush, Cady, Campbell, Cassidy, Church, Clark, G. W.; Clark, H. A.; Cochran, Coleman, Danforth, Davenport, Davies, J. C.; Deady, Dean, Deyo, Doty, Durnin, Emmet, Faber, Floyd, Frank, Andrew; Frank, Augustus; Fraser, Fuller, C. A.; Fuller, O. A.; Goeller, Green, A. H.; Griswold, Hamlin, Hawley, Hecker, Hill, Hirschberg, M. H.; Holcomb, Hotchkiss, Hottenroth, Jacobs, Jenks, Johnston, R. M.; Kellogg, Lester, Lewis, C. H.; Lyon, Manley, Marshall, McArthur, McClure, McCurdy, McIntyre, McLaughlin, C. B.; McLaughlin, J. W.; Mereness, Meyenborg, Moore, Morton, Mullen, Mulqueen, Nichols, W. H.; Nicoll, De L.; O'Brien, Osborn, Parkhurst, Peck, Phipps, Porter, Pratt, Redman, Roderick, Rogers, Root, Spencer, Springweiller, Sullivan, W.; Truax, C. H.; Vogt, Wellington, Wiggins, Williams, Woodward, President — 91.

Noes — Messrs. Arnold, Baker, Blake, Brown, E. A.; Carter, Chipp, Jr.; Countryman, Crosby, Curran, Davis, G. A.; Dickey, Durfee, Fields, Forbes, Gibney, Giegerich, Gilbert, Gilleran, Goodelle, Green, J. I.; Hedges, Johnson, I. Sam; Kerwin, Lauterbach, Lincoln, Mantanye, Marks, McDonough, McKinstry, Platzek, Pool, Powell, Riggs, Sandford, Steele, A. B.; Steele, W. H.; Sullivan, T. A.; Tekulsky, Titus, Turner, Whitmyer — 41.

On motion of Mr. Barhite, at 11.14, the Convention adjourned.

Wednesday, July 18, 1894.

The Convention met pursuant to adjournment.

Prayer by Rev. R. H. Shirley.

The Journal of Tuesday, July seventeenth, was read and approved.

By vote of the Convention, the following members were excused: Mr. M. E. Lewis, for to-day; Mr. Phipps, for to-day and to-morrow; Messrs. Davis, Herzberg, Davies and Roderick, for Thursday and Friday; Messrs. Deyo, Roche, McClure, Lauterbach, Durnin, Meyenborg and Cornwell, for Friday; Messrs. Deady and Towns, for the rest of the week; Mr. Smith, for Friday and the Tuesday following.

Mr. J. I. Green offered a resolution in words following:

Resolved, That all delegates desiring to be excused from attendance, hand their names to the Secretary with the days of attendance for which they desire to be excused, and that the same be voted on as a whole immediately before adjournment.

Mr. Alvord moved to lay said resolution on the table.

Mr. President put the question on said motion, and it was determined in the affirmative.

Mr. President presented a memorial in favor of woman suffrage.

Referred to the Committee on Suffrage.

Also, a petition asking an amendment to the Constitution prohibiting sectarian appropriations.

Referred to the Committee on Charities.

Also, communications relative to industrial interests.

Referred to the Committee on Industrial Interests.

Mr. Bigelow presented the memorial of Charles Blauvelt, relative to reform in the method of selecting jurors.

Referred to the Committee on Judiciary.

Mr. Cornwell presented memorials and petitions relative to sectarian appropriations.

Referred to the Committee on Charities.

Mr. I. S. Johnson presented a petition in favor of woman suffrage.

Referred to the Committee on Suffrage.

Mr. Becker presented a petition on the same subject.

Referred to the Committee on Suffrage.

Mr. Tibbetts presented a petition on the same subject.

Referred to the Committee on Suffrage.

355.—Mr. A. H. Green presented a proposed amendment to the Constitution relative to the election and term of office of corporation counsel.

Referred to special committee.

Mr. Crosby offered a resolution in words following:

Resolved, That the Secretary of State be and is hereby requested to promptly furnish to this Convention the following mentioned information, viz.:

1. The aggregate number of acres of land originally conveyed to the State of New York, known as the Onondaga Salt Springs.
2. The aggregate number of acres of land since purchased by the State with moneys arising from the sale of such lands.
3. The aggregate number of acres, known as "Salt Springs" now belonging to the State.
4. The aggregate number of acres of such lands now leased by the State to different persons or corporations.
5. The general terms and conditions of the outstanding leases of said lands.

By unanimous consent, Mr. President put the question on said resolution, and it was determined in the affirmative.

Mr. Francis, from the Committee on Preamble and Bill of Rights, to which was referred the proposed constitutional amendment introduced by Mr. Marks, introductory No. 15, entitled

"Proposed constitutional amendment, to amend section 7 of article 1, referring to taking private property for public use," reported adversely by request of the introducer.

Mr. Marks moved that said report be made a special order for to-morrow morning.

Mr. President put the question on said motion, and it was determined in the negative, two-thirds of all the members elected to the Convention not voting in favor thereof.

Debate being had thereon, Mr. Alvord moved the previous question.

Mr. President put the question on the motion of Mr. Alvord, and it was determined in the affirmative.

Mr. President put the question on agreeing to the report of the committee, and it was determined in the affirmative.

Ayes — Abbott, Acker, Ackerly, Allaben, Alvord, Arnold, Baker, Banks, Barhite, Barnum, Becker, Bigelow, Bowers, Brown, E. R.; Bush, Cady, Cassidy, Chipp, Jr.; Church, Clark, G. W.; Clark, H. A.; Crosby, Danforth, Davenport, Davies, J. C.; Deady, Dean, Dickey, Doty, Durfee, Fields, Floyd, Foote, Francis, Frank, Andrew; Frank, Augustus; Fraser, Fuller, C. A.; Fuller, O. A.; Galinger, Gibney, Gilbert, Goodelle, Green, A. H.; Hamlin, Hawley, Hecker, Hedges Hirschberg, M. H.; Holcomb, Holls, Johnson, J.; Kellogg, Kimmey, Lester, Lewis, C. H.; Lincoln, Lyon, Manley, Marshall, Maybee, McClure, McCurdy, McIntyre, McKinsstry, McMillan, Mereness, Nichols, W. H.; Osborn, Parker, Parkhurst, Parmenter, Peck, Pratt, Putnam, Redman, Roche, Root, Rowley, Sandford, Schumaker, Spencer, Steele, A. B.; Steele, W. H.; Tekulsky, Tibbetts, Truax, C. H.; Truax, C. S.; Van Denbergh, Vedder, Vogt, Wellington, President — 93.

Noes — Messrs. Barrow, Blake, Burr, Campbell, Carter, Cochran, Coleman, Cornwell, Curran, Davis, G. A.; Durnin, Emmet, Faber, Farrell, Fitzgerald, T. W.; Forbes, Giegerich, Gilleran, Goeller, Green, J. I.; Griswold, Herzberg, A.; Hill, Hottenroth, Jacobs, Jenks, Johnson, I. Sam; Johnston, R. M.; Kerwin, Mantanye, Marks, McArthur, McLaughlin, C. B.; Meyenborg, Moore, Morton, Mullen, Mulqueen, Nicoll, De L.; O'Brien, Ohmeis, Platzek, Porter, Powell, Roderick, Smith, Springweiler, Storm, Sullivan, T. A.; Sullivan, W.; Titus, Tucker, Turner, Veeder, Whitmyer, Wiggins, Williams, Woodward — 58.

When the name of Mr. Lauterbach was called, he asked to be and was excused from voting.

Mr. Vedder, from the Committee on Powers and Duties of the Legislature, to which was recommitted, retaining its place on General Orders, the proposed constitutional amendment, introduced by Mr. Vedder, introductory No. 73, entitled "Proposed constitutional amendment, to amend section 15 of article 3, so as to secure greater publicity and deliberation in the passage of all bills," reported in favor of the passage of the same, with some amendments, which report was agreed to and said constitutional amendment restored to its place on General Orders.

Mr. Vedder, from the Committee on Powers and Duties of the Legislature, to which was referred the proposed constitutional amendment introduced by Mr. Mereness, introductory No. 49, entitled "Proposed constitutional amendment to amend article 3 of the Constitution, relating to public officers," reported the same to the Convention, with some amendments, for the purpose of printing and when printed to be recommitted to the committee.

Mr. President put the question on the adoption of said report, and it was determined in the affirmative.

Mr. Cady, from the Committee on Canals, to which was referred the resolution introduced by Mr. Hottenroth, asking for information of State Engineer and Superintendent of Public Works, relating to the canals, reported in favor of the passage of the same with some amendments, and recommended its adoption to read as follows:

Resolved, That the Secretary request the State Engineer and the Superintendent of Public Works to obtain and report to the Convention, as soon as possible, and not later than August first, approximate detailed estimates of the cost of improving the various canals of this State, specifying each separately.

First—Of the probable cost of deepening the canals to a depth of nine feet, with or without raising the banks or raising or lowering the reservoirs or conduits thereof, and also the probable extent of the land damages that might result therefrom.

Second—Of the probable cost of cleaning the canals so as to give full use for navigation to the depth of seven feet.

Third—Of the probable cost of lengthening all locks, not already lengthened, to a uniform length.

Fourth—Of the probable cost of building retaining walls wherever necessary for the most effective service; and be it further,

Resolved, That the said officers ascertain and report, as soon as practicable, the probable cost of constructing a suitable ship canal in place of and along the route of the present Erie canal, together with an estimate of the probable extent of land or other damages that would result from such construction.

Mr. President put the question on the adoption of said report, and it was determined in the affirmative.

Mr. Root, from the Committee on Rules, to which was referred the resolution offered by Mr. Moore, in words following:

“Resolved, That on the coming in of a final report of any committee, if such report be not unanimous, a minority report shall be always in order at any time before the final disposition of such report by the Convention, or at such other time as the Convention may decide,” reported in favor of the adoption of the same amended to read as follows:

“Resolved, That a minority report may be made at any time before the subject on which report has been made by a standing or select committee, has been finally disposed of by the Convention.”

Mr. President put the question on the adoption of said report, and it was determined in the affirmative.

Mr. Root, also, from the Committee on Rules, reported favorably the following resolution offered by Mr. I. S. Johnson:

“Resolved, That hereafter the Convention may dispense with the reading of the Journal, and that amendments thereto may be made on the legislative day following that on which the printed Journal is placed on the desks of the members.”

Mr. President put the question on the adoption of said report, and it was determined in the affirmative.

Mr. Root, from the Committee on Rules, to which was referred the resolution introduced by Mr. Moore, relating to the final reports of all standing or special committees, reported adversely thereto, which report was agreed to.

The Committee on Rules, in obedience to a resolution offered by Mr. Barhite, and passed July 10, 1894, requiring it to report a rule providing for the printing of certain substitutes to proposed

amendments, or amendments to proposed amendments, do hereby report the following rule as calculated to effect that purpose; but the committee are unanimously of the opinion that it is not expedient to adopt the same, the rule proposed being in words following:

Rule —. Substitutes to proposed amendments to the Constitution, or amendments to proposed amendments, exceeding twenty-five words in length, which may be offered in Committee of the Whole or in the Convention, shall be printed and placed on the files of the members.

Mr. President put the question on the adoption of said report, and it was determined in the affirmative.

Mr. Bowers moved to reconsider the vote by which the adverse report of the committee on Preamble and Bill of Rights on the proposed amendment to the Constitution introduced by Mr. Marks, No. 15, entitled "Proposed constitutional amendment, to amend section 7 of article 1, referring to taking private property for public use," was agreed to, and that that motion lay on the table.

Mr. President put the question on said motion, and it was determined in the affirmative.

Mr. President presented a communication from the Secretary of State in words following:

OFFICE OF THE SECRETARY OF STATE, }
ALBANY. *July 17, 1894.* }

Hon. Charles E. Fitch, Secretary, Constitutional Convention,
Albany, N. Y.:

Dear Sir. — Your communication of the 13th inst. is received, in which is embodied a resolution of the Convention requesting certain information in relation to railroads incorporated in this State, but which have not been constructed; and also relative to railroads constructed, but which are not operated.

In reply, we beg leave to state, that this office is not in possession of the desired information.

Yours respectfully,

ANDREW DAVIDSON,

Deputy Secretary of State.

Mr. President presented a communication and accompanying documents from the Board of Railroad Commissioners, in response to the resolution of Mr. Hottenroth, asking for certain information regarding the railroads of the State.

Referred to the Committee on Railroads.

Mr. President announced the General Orders.

The House went into Committee of the Whole, and, after some time spent therein, Mr. Bush, from said committee, reported:

The Committee of the Whole having had under consideration the proposed constitutional amendment No. 339, introductory No. 6, entitled "Proposed constitutional amendment to amend article 10 of the Constitution to do away with the office of coroner as a constitutional office," have gone through with the same, have made some amendments thereto, and instructed the chairman to report the same to the Convention, and recommend its passage.

The question being on agreeing to said report, Mr. Becker offered the following resolution:

Resolved, That it is the sense of this Convention that the office of coroner be abolished, and that the proposed amendment, introductory No. 6, be referred to the Judiciary Committee with directions to report whether any legal difficulties exist concerning the abolition of this office, which should be avoided in the proposed amendment; and, if so, that said committee draft a proper amendment for that purpose.

Pending the question on the resolution offered by Mr. Becker, Mr. Maybee moved that the Convention now adjourn.

Mr. President put the question on said motion, and it was determined in the affirmative.

And, at 1.15, the Convention adjourned.

Thursday, July 19, 1894.

The Convention met pursuant to adjournment.

Prayer by Rev. C. W. Hardendorf.

On motion of Mr. I. S. Johnson, the reading of the Journal of Wednesday, July eighteenth, was dispensed with.

Mr. President presented a communication from Harvey W. Putnam and Thomas A. Sullivan, relative to their claims for expenses incurred in their contests for seats in the Constitutional Convention.

Mr. Holls moved that said communication and claim be referred to the Committee on Privileges and Elections and Contingent Expenses, jointly.

Mr. President put the question on said motion, and it was determined in the affirmative.

By vote of the Convention the following members were excused from attendance : Messrs. Jenks, Chipp, Peabody, Parmenter and McMillan, for Friday; Messrs. Wiggins and Kellogg, for Friday and the Tuesday following; Mr. E. R. Brown, for all of next week.

On motion of Mr. Hotchkiss, the privilege of the floor was extended to the Hon. Andrew S. Draper, former Superintendent of Public Instruction.

On motion of Mr. Hill, the privilege of the floor was extended to the Hon. Mr. Close, of Buffalo.

On motion of Mr. Cornwell, the privilege of the floor was extended to Senator Charles T. Saxton.

Under Rule 22, Mr. President announced General Orders.

Mr. President then stated the pending question to be upon agreeing to the report of the Committee of the Whole, in words following :

The Committee of the Whole have had under consideration the proposed constitutional amendment No. 339, introductory No. 6, entitled "Proposed constitutional amendment to amend article 10 of the Constitution, to do away with the office of coroner as a constitutional office," have gone through with the same, have made some amendments

thereto, and instructed the chairman to report the same to the Convention, and recommend its passage.

And, in connection therewith, the resolution offered by Mr. Becker, in words following:

“Resolved, That it is the sense of this Convention that the office of coroner should be abolished and that the proposed constitutional amendment, introductory No. 6, be referred to the Judiciary Committee, with directions to report whether any legal difficulties exist concerning the abolition of this office which should be avoided in the proposed amendment, and, if so, that said committee draft a proper amendment for that purpose.”

Mr. Becker withdrew his resolution.

Mr. President put the question on agreeing to the report of the Committee of the Whole, and it was determined in the affirmative.

Mr. Mantanye moved that said constitutional amendment be referred back to the Committee on County, Town and Village Officers.

Mr. Dean moved the previous question.

Mr. President put the question on the motion of Mr. Dean, and it was determined in the affirmative.

Mr. President put the question on the motion of Mr. Mantanye, and it was determined in the negative.

And said constitutional amendment was referred to the Committee on Revision and Engrossment.

Mr. Vedder moved that General Order No. 3, printed No. 11, entitled “Proposed constitutional amendment to amend section 16 of article 3 of the Constitution of the State of New York, relating to legislation,” be referred back to the Committee on Legislative Powers and Duties, retaining its place on General Orders.

Mr. President put the question on the motion of Mr. Vedder, and it was determined in the affirmative.

The Convention went into Committee of the Whole, and, after some time spent therein, Mr. Vedder, from said committee, reported, in words following :

The Committee of the Whole have had under consideration the proposed constitutional amendment No. 202, introductory No. 99, entitled “Proposed constitutional amendment to amend article

3, by the addition of a new section prohibiting the Legislature or any division of the State from granting pensions to any civil officers or employes, not, however, including existing police and fire department pension funds," reported progress in same, and asked leave to sit again.

Mr. President put the question on granting leave, and it was determined in the affirmative.

Mr. Roche moved that said proposed amendment be printed, together with the amendments proposed in Committee of the Whole, and that the same be recommitted to the Committee on Legislative Powers and Duties, retaining its place on General Orders.

Mr. President put the question on said motion, and it was determined in the affirmative.

By unanimous consent, Mr. A. H. Green offered a resolution in words following :

Resolved, That the State Railroad Commission be requested to furnish this Convention with the following information respecting each street and elevated railroad in the cities of New York and Brooklyn, viz. : Name of road; capital stock outstanding; actual cash received for capital stock. Bonds outstanding; actual cash received for bonds. Cost of road and equipment. Taxes paid during last fiscal year. Amount paid on account of change of motive power. Route of road.

Mr. President put the question on said resolution, and it was determined in the affirmative.

By unanimous consent, Mr. McMillan moved that the Committee on Governor and Other State Officers be discharged from the further consideration of proposed amendment No. 305, and that the same be referred to the Committee on County, Town and Village Officers.

Mr. President put the question on said motion, and it was determined in the affirmative.

By unanimous consent, Mr. McLaughlin, from the Committee on County, Town and Village Government, to which was referred the proposed constitutional amendment introduced by Mr. Doty, introductory No. 168, entitled "Proposed constitutional amendment to amend section 11 of article 8 of the Constitution, relative to the giving or loaning of moneys or credit by counties, cities, towns or villages," reported that it has had the same under con-

sideration and asks to be discharged, and suggests that this proposed constitutional amendment be referred to the Committee on Charities, and it was determined in the affirmative.

Mr. President put the question on discharging said committee and so referring said amendment, and it was determined in the affirmative.

By unanimous consent, Mr. Becker, on behalf of the Committee on Legislative Organization, made the following report :

The Committee on Legislative Organization report the following resolution, and ask its adoption :

Resolved, That the State Engineer and Surveyor be requested to provide for the use of the Committee on Legislative Organization and of the Convention, a sufficient number of photographic or process copies of the large maps already supplied to the said committee, and that the expense of said maps and copies be paid as a contingent expense of the Convention.

Mr. President put the question on the adoption of said report, and it was determined in the affirmative.

By unanimous consent. petitions were presented in favor of female suffrage by the following members, viz.: Mr. McKinstry, Mr. Mullen, Mr. McIntyre, Mr. Parkhurst, Mr. Titus and Mr. Fields.

Referred to the Committee on Suffrage.

By unanimous consent, Mr. Cornwell presented memorials against sectarian appropriations.

Referred to the Committee on Charities.

By unanimous consent Mr. Bigelow presented a memorial of the State Grange of the State of New York, in favor of female suffrage.

Referred to the Committee on Suffrage.

356.—By unanimous consent, Mr. Marks presented a proposed amendment to article 1, section 7 of the Constitution, relating to the taking of private property for public use.

Referred to Special Committee.

Mr. Cookinham offered the following privileged resolution :

Whereas, It was resolved by the Convention on July eleventh, that so much of the testimony in the contested election case in

the Sixth Senatorial district should be printed as was designated by the Committee on Privileges and Elections, and that such printing should be done within five days from the delivery of the testimony to the printer, and whereas, said testimony is not upon the files of the members; therefore,

Resolved, That the Committee on Printing be directed to investigate and report forthwith why the said testimony has not been printed and placed on the files of the members.

Mr. President put the question on said resolution, and it was determined in the affirmative.

On motion of Mr. Cassidy, at 12.10, the Convention adjourned.

Friday, July 20, 1894.

The Convention met pursuant to adjournment.

Prayer by Rev. A. K. Duff.

On motion of Mr. Spencer, the reading of the Journal of Thursday, July nineteenth, was dispensed with.

Mr. President stated that he desired to call the attention of the Convention to an error in his ruling when the vote on the motion to adjourn was being taken by a rising vote yesterday. Mr. Maybee called for the ayes and noes and was ruled out of order as being too late. He desired to correct that ruling, as it is never too late to call for the ayes and noes prior to the announcement of the result on a question.

By vote of the Convention, the following members were excused from attendance: Messrs. Mullen, Gilleran, Blake, Gibney, H. A. Clark and Andrew Frank, for Tuesday; Mr. Goodelle and Mr. R. M. Johnston, for Tuesday and Wednesday; Mr. Campbell, for all of next week; Mr. Williams, for to-day, and Mr. O. A. Fuller, for to-day.

Mr. President presented a communication from the Board of Railroad Commissioners containing information called for by the resolution of Mr. A. H. Green, relating to street and surface railroads in the cities of New York and Brooklyn.

Referred to the Committee on Railroads.

Mr. Wellington presented a petition from Madison county in favor of female suffrage.

Referred to the Committee on Suffrage.

Mr. Campbell presented a petition from New York on the same subject.

Referred to the Committee on Suffrage.

Mr. Tucker presented a memorial from the New York State Grange on the same subject.

Referred to the Committee on Suffrage.

Mr. McArthur presented a memorial against the traffic in intoxicating liquors.

Referred to the Committee on Powers and Duties of the Legislature.

Mr. Tucker presented the petition of the Socialist Labor Party, relative to the gratuitous and non-sectarian instruction of children of school age.

Referred to the Committee on Education; also, Powers and Duties of the Legislature.

Mr. Durfee presented a memorial of the New York State Grange in favor of woman's suffrage.

Referred to the Committee on Suffrage.

On motion of Mr. Vedder, the privileges of the floor were extended to the Hon. Mr. McKinstry, of Fredonia.

Mr. Bowers offered a resolution in words following :

Resolved, That the previous question, motion to rise and report, or other motions to close debate on the report of a standing or select committee, shall not be made until the Committee on Rules, in pursuance of Rule 56, shall have fixed a time for debate on such report.

Referred to the Committee on Rules.

Mr. J. I. Green called up the resolution offered by him, as follows :

Resolved, That all delegates desiring to be excused from attendance, hand their names to the Secretary with the days of attendance for which they desire to be excused, and that the same be voted on as a whole immediately before adjournment.

Mr. J. I. Green moved to amend by inserting after the word "excused" the following, "with the reasons therefor."

Mr. Mulqueen moved to lay said resolution on the table.

Mr. President put the question on the motion of Mr. Mulqueen, and it was determined in the affirmative.

Mr. Blake offered a resolution in words following :

Resolved, That whenever any standing or select committee shall report to the Convention adversely or otherwise upon two or more proposed amendments on subjects, and after debate upon such report the Convention shall have the right upon the request of twenty (20) members, to take a separate vote upon each amendment or subject so reported.

Referred to the Committee on Rules.

Mr. Maybee offered a resolution in words following :

"Resolved, That the Committee on Printing be instructed to ascertain why the printed debates are again in arrears for the entire week, and if any method can be devised to obtain the printing of said debates in time to be of some practical benefit to this Convention."

Mr. President put the question on the adoption of said resolution, and it was determined in the affirmative.

On motion of Mr. E. R. Brown :

"Resolved, That the subject of Congressional apportionment in the State be referred to the Committee on Legislative Organization, with directions to report what, if any constitutional provisions in relation thereto, should be proposed by this Convention."

357.—Mr. Tucker (by request), presented a proposed amendment to the Constitution, relative to public schools.

Referred to Select Committee.

358.—By Mr. H. A. Clark :

Proposed amendment to article 1, section 7 of the Constitution, relative to the taking of private property for public use.

Referred to Select Committee.

359.—By Mr. C. H. Truax :

A proposed amendment to article 1, section 6 of the Constitution, relative to the taking of private property for public use.

Referred to Select Committee.

360.—By Mr. Tucker (by request) :

A proposed amendment to article 8 of the Constitution, relative to State or municipal public works.

Referred to Select Committee.

361.—By Mr. T. A. Sullivan :

A proposed amendment to article 5 of the Constitution, creating the office of Superintendent of Corporations.

Referred to Select Committee.

Mr. Vedder, from the Committee on Powers and Duties of the Legislature, to which was referred the proposed constitutional amendment introduced by Mr. Vedder, introductory No. 269, entitled "Proposed constitutional amendment to amend section 7 of article 4 of the Constitution," reported in favor of the passage of the same, which report was agreed to and said proposed constitutional amendment committed to the Committee of the Whole.

Mr. Vedder, from the Committee on Powers and Duties of the Legislature, to which was referred the proposed constitutional amendment introduced by Mr. R. M. Johnston, introductory No. 27, entitled "Proposed constitutional amendment regulating the salaries of members of the Legislature," report the same with recommendation that it be referred to the Committee on Legislative Organization.

Mr. President put the question on said resolution, and it was determined in the affirmative.

Mr. Vedder, from the Committee on Powers and Duties of the Legislature, to which was referred the proposed constitutional amendment introduced by Mr. Marks, introductory No. 16, entitled "Proposed constitutional amendment to amend section 6 of article 3, as to pay of members of the Legislature," report the same with recommendation that it be referred to the Committee on Legislative Organization.

Mr. President put the question on said resolution, and it was determined in the affirmative.

Mr. Root, from the Committee on Judiciary, reported a proposed amendment to the Constitution, in words following :

362.—Proposed constitutional amendment to amend section 18 of article 3, so as to permit the appointment of Commissioners of Jurors in the counties of this State.

Referred to the Committee of the Whole.

Mr. Acker, from the Committee on Finance and Taxation, to which was referred the resolution introduced by Mr. Roche, entitled "A resolution asking information from Comptroller relating to public lands," reported in favor of the passage of the same.

Mr. President put the question on said resolution, and it was determined in the affirmative.

Mr. Acker, from the Committee on Finance and Taxation, to which was referred the resolution introduced by Mr. Pratt, entitled "A resolution relating to persons and property exempted from taxation," reported in favor of the passage of the same, and the report concurred in by Committee on Charities, to which this resolution was referred. Said resolution is in words following :

Resolved, That the Secretary of the Convention cause to be prepared, a compilation of the titles of all special acts of the Legislature of this State, exempting particular property or persons from taxation, with a citation of the volume and chapter of the Session Laws where such act can be found and a brief designation of the particular property or persons exempted by each act.

This resolution shall cover all acts of the Legislature contained in the Session Laws and not contained in the last edition of the Revised Statutes.

Mr. President put the question on the adoption of said report, and it was determined in the affirmative.

Mr. Hawley, from the Committee on Corporations, made the following report :

To the Convention :

Your Committee on Corporations respectfully asks that it be discharged from the further consideration of proposed amendment No. 302 (Introductory No. 298), introduced by Mr. O. A. Fuller, and entitled "Proposed constitutional amendment to amend section 1 of article 8, relating to corporations," and because said proposed amendment relates to corporations "created for the purposes of public transportation." Your committee recommends that the same be referred to the Committee on Railroads.

Mr. President put the question on said motion, and it was determined in the affirmative; and said amendment was so referred.

Mr. Hamlin, from the Committee on Printing, reported that in response to the resolution of Mr. Cookinham in reference to the printing of what is known as the evidence in the Gravesend cases, in respect to which information was asked of the Printing Committee, I would state that this printing was put into the hands

of the Argus Company on the morning of the twelfth, and on investigation yesterday I was informed by the superintendent of the company, that the printing would be on the files of the Convention this forenoon. Under the information that the committee now has the evidence will not be printed until Tuesday morning.

Mr. E. R. Brown, from the Select Committee on Further Amendments, to which was referred the constitutional amendment introduced by Mr. A. H. Green, introductory No. 355, entitled "Proposed constitutional amendment to amend the constitution relative to the election and term of office of Corporation Counsel" reports in accordance with Rule 73, that in the opinion of the committee the same should be printed and referred, under Rule 32.

Mr. President put the question on the adoption of said report, and it was determined in the affirmative.

And said constitutional amendment was referred to the Committee on Cities, and ordered printed.

On motion of Mr. Dean, at 10.44, the Convention adjourned.

Tuesday, July 24, 1894.

The Convention met pursuant to adjournment.

Prayer by Rev. A. K. Duff.

On motion of Mr. Holls, the reading of the Journal of Friday, July twentieth, was dispensed with.

Mr. President announced the General Orders, pursuant to Rule 22.

The Convention went into Committee of the Whole, and, after some time spent therein, Mr. Alvord, from said committee, reported as follows :

The Committee of the Whole have had under consideration the proposed constitutional amendment, No. 365, introductory No. 73, entitled "Proposed constitutional amendment to amend section 15 of article 3, so as to secure greater publicity and deliberation in the passage of all bills," have gone through with the same, have made some amendments thereto, and instructed the Chairman to report the same to the Convention, and recommend its passage.

Mr. President put the question on the adoption of said report, and it was determined in the affirmative.

And said Constitutional amendment was referred to the Committee on Revision and Engrossment.

The Convention again went into Committee of the Whole, and, after some time spent therein, Mr. Vedder, from said committee, reported as follows :

The Committee of the Whole have had under consideration the proposed constitutional amendment, No. 303, introductory No. 183, entitled "Proposed constitutional amendment to amend section 5 of article 2 of the Constitution, relating to the manner of elections," reported progress in the same, and asked leave to sit again.

Mr. President put the question on granting leave, and it was determined in the affirmative.

363.—Mr. Cornwell (by unanimous consent), presented a proposed amendment to the Constitution, relative to corporations.

Referred to the Select Committee.

364.—By Mr. Marks (by unanimous consent) :

A proposed amendment to article 1, section 7 of the Constitution, relative to the taking of private property for public use.

Referred to the Select Committee.

365.—By Mr. Church (by unanimous consent) :

A proposed amendment to article 6 of the Constitution, creating a Court of Arbitration.

Referred to the Select Committee.

Mr. Lincoln (by unanimous consent), presented a petition from the Indian residents of the State against the traffic in intoxicating beverages.

Referred to the Committee on Indians.

By vote of the Convention, the following members were excused from attendance, as follows : Mr. Griswold, for to-day; Mr. Riggs and Mr. Phipps, for to-day and to-morrow; Mr. Towns, until Thursday; Messrs. Jacobs, O. A. Fuller, G. W. Clark, during illness; Mr. Farrell, for Tuesday and Wednesday, and Messrs. Moore and E. A. Brown, for Wednesday and Thursday.

On motion of Mr. Maybee, the privileges of the floor were extended to the Hon. George M. Beebe, of the State Board of Claims.

Mr. Maybee moved that the Convention take a recess until eight o'clock.

Mr. McMillan moved to amend that the Convention now adjourn.

Mr. President put the question on the motion of Mr. McMillan, and it was determined in the affirmative.

And, at 1.10, the Convention adjourned.

Wednesday, July 25, 1894.

The Convention met pursuant to adjournment.

Prayer by Rev. Joseph H. Mangan.

On motion of Mr. Acker, the reading of the Journal of Tuesday, July twenty-fourth, was dispensed with.

Mr. President presented a memorial from J. T. Brooks, Vice-President of the Pennsylvania Railway Company, relative to free passes.

Referred to the Committee on Railroads.

Also, petitions in favor of civil service.

Referred to the Committee on Civil Service.

Also, communication from James R. Cox relative to the official oath required to be taken in certain cases before referees.

Referred to the Committee on Judiciary.

Also, memorial from the General Assembly of the Presbyterian Church relative to sectarian appropriations.

Referred to the Committee on Charities.

Also, memorial from the Brooklyn Reform Club relative to freedom of speech and of the press.

Referred to the Committee on Preamble and Bill of Rights.

Mr. Dean presented a memorial from the Eastern Christian Conference of Charleston Four Corners relative to education at public expense.

Referred to the Committee on Charities.

366.—Mr. Dickey introduced a proposed amendment to article 6, section 6 of the Constitution, creating an additional judicial district.

Referred to Select Committee.

Mr. President presented a communication from the Secretary of State in response to the resolution of Mr. Crosby, of date July eighteenth, calling for information relative to the Onondaga Salt Springs Reservation.

On motion of Mr. Alvord, said communication was ordered printed and laid upon the desks of members.

Mr. Roche moved that the Secretary be requested to tabulate and have printed and laid upon the desks for the information of members, the returns relative to naturalization received from certain designated courts, in response to the resolution of Mr. Roche.

Mr. President put the question on said motion, and it was determined in the affirmative.

Mr. I. S. Johnson offered a resolution in words following:

“Resolved, That the Superintendent of the Onondaga Salt Springs be directed to furnish this Convention a statement of any and all leases of salt lands of this State now in operation, and of any and all contracts under or by which any person, firm or corporation is entitled to the use of any such lands, or to have brine furnished by the State for the manufacture of salt, giving the date of such leases or contracts, where filed or recorded, and when the same will expire.”

Mr. President put the question on said resolution, and it was determined in the affirmative.

Mr. Lincoln offered a resolution in words following:

Resolved, That the Secretary is directed to tabulate and furnish the members the information contained in communications from county clerks in regard to naturalizations for the year 1893.

Mr. President put the question on said resolution, and it was determined in the affirmative.

Mr. A. H. Green moved that the communications from the Board of Railroad Commissioners, and from the mayor of the city of New York, relative to street surface and elevated railways, be referred to the Committee on Railroads, with power to

said committee to order the same printed for the information of members, if said committee deems said printing advisable.

Mr. President put the question on said motion, and it was determined in the affirmative.

Mr. Vedder, from the Committee on Powers and Duties of the Legislature, to which was referred the proposed constitutional amendment introduced by Mr. Roche, introductory No. 99, entitled "Proposed constitutional amendment to amend article 3 by the addition of a new section prohibiting the Legislature or any division of the State from granting pensions to any civil officers or employes, not, however, including existing police and fire department pension funds," reported in favor of the passage of the same with some amendments, which report was agreed to, and said constitutional amendment was restored to its place on General Orders.

Mr. McKinstry, from the Select Committee on Further Amendments, to which was referred the proposed constitutional amendment introduced by Mr. Tucker, introductory No. 357, entitled "Proposed constitutional amendment to provide for the gratuitous and non-sectarian education of every child of school age, and for the furnishing of free meals to the children of destitute persons attending school," reported that the said proposed amendment has been found to relate to subjects already under discussion by the Committee on Education, and has, therefore, been transmitted, without printing, directly to that committee for its information, in accordance with Rule 73.

Mr. McKinstry, from the Select Committee on Further Amendments, to which was referred the proposed constitutional amendment introduced by Mr. H. A. Clark, introductory No. 358, entitled "A proposition to amend section 7, article 1 of the Constitution," reported that said proposed amendment has been found to relate to subjects already under discussion by the Committee on Preamble and Bill of Rights, and has, therefore, been transmitted, without printing, directly to that committee for its information, in accordance with Rule 73.

Mr. McKinstry, from the Select Committee on Further Amendments, to which was referred the proposed constitutional amendment introduced by Mr. C. H. Truax, introductory No. 359, entitled "A proposed constitutional amendment to section 6, article 1," reported that said proposed amendment has been found to relate to subjects already under discussion by the Com-

mittee on Preamble and Bill of Rights, and has, therefore, been transmitted, without printing, directly to that committee for its information, in accordance with Rule 73.

Mr. McKinstry, from the Select Committee on Further Amendments, to which was referred the proposed constitutional amendment introduced by Mr. Tucker, introductory No. 360, entitled "A proposed constitutional amendment to provide for the construction, etc., by the State of public works," reported that said proposed amendment has been found to relate to subjects already under consideration by the Committees on Railroads and Corporations, and has, therefore, been transmitted, without printing, directly to the said committees for their information, in accordance with Rule 73.

Mr. McKinstry, from the Select Committee on Further Amendments, to which was referred the proposed constitutional amendment introduced by Mr. Cornwell, introductory No. 363, entitled "A proposed constitutional amendment to prevent discrimination in rates or charges either by railroad, telegraph or telephone companies, corporations or common carriers doing business within the bounds of the State," reported that the same has been found to relate to a subject already under consideration by the Committees on Railroads and on Corporations, and has, therefore, been transmitted, without printing, directly to said committees for their information, under Rule 73.

Mr. McKinstry, from the Select Committee on Further Amendments, to which was referred the proposed constitutional amendment introduced by Mr. Marks, introductory No. 364, entitled "A proposed constitutional amendment to section 7 of article 1, relating to the taking of private property for public use," reported that the same has been found to relate to a subject already under consideration by the Committee on Preamble and Bill of Rights, and has, therefore, been transmitted, without printing, directly to said committee for its information, under Rule 73.

Mr. McKinstry, from the Select Committee on Further Amendments, to which was referred the proposed constitutional amendment introduced by Mr. Church, introductory No. 365, entitled "A proposed constitutional amendment to amend article 6 of the Constitution by adding new sections creating a court of compulsory arbitration, reported that the same has been found to relate to a subject already under consideration by the Committee on

Industrial Interests, and has, therefore, been transmitted, without printing, directly to said committee for its information, under Rule 73.

Mr. McKinstry, from the Select Committee on Further Amendments, to which was referred the proposed constitutional amendment introduced by Mr. T. A. Sullivan, introductory No. 361, entitled "An amendment to article 5 of the Constitution, in relation to State officers, by creating the office of Superintendent of Corporations," reports that in the opinion of the committee the same ought to be printed and referred under Rule 32.

Mr. President put the question on the adoption of said report, and it was determined in the affirmative.

And said constitutional amendment was ordered printed and referred to the Committee on Corporations.

The President announced the order of business to be General Orders.

The Convention went into Committee of the Whole, and, after some time spent therein, Mr. Gilbert, from said committee, reported in words following:

The Committee of the Whole have had under consideration the proposed constitutional amendment No. 368, introductory No. 269, entitled "Proposed constitutional amendment to amend section 7 of article 4 of the Constitution," have gone through with the same, have made some amendments thereto, and instructed the chairman to report the same to the Convention, and recommend its passage.

Mr. President put the question on agreeing with the report of the committee, and it was determined in the affirmative, and said amendment was referred to the Committee on Revision and Engrossment.

The Convention again went in Committee of the Whole, and, after some time spent therein, Mr. Cochran, from said committee, reported:

The Committee of the Whole have had under consideration the proposed constitutional amendment No. 369, introductory No. 362, entitled "Proposed constitutional amendment to amend section 18 of article 3, so as to permit the appointment of commissioners of jurors in the counties of this State," have made some progress in the same, but not having gone through therewith, have instructed the chairman to report that fact to the Convention, and ask leave to sit again.

Mr. Veeder moved to disagree with said report and that said proposed constitutional amendment be recommitted to the Committee on Judiciary with instructions to report said amendment adversely.

Mr. McDonough called for a division of the question.

Mr. Dean moved the previous question.

Mr. President put the question on the motion of Mr. Dean, and it was determined in the affirmative.

Mr. President put the question on that portion of Mr. Veeder's motion to disagree with the report of the Committee of the Whole in asking leave to sit again, and it was decided in the affirmative.

Mr. Maybee moved to reconsider said vote, and that that motion lay upon the table.

Mr. President put the question on the motion to lay on the table, and it was determined in the negative.

Mr. President put the question on the motion to reconsider, and it was determined in the negative.

Mr. President presented a communication from Mr. Herman F. Trapper, transmitting his bill for expenses in defending his title to a seat in the Convention.

Mr. Deady moved that said communication be referred to the next Legislature.

Mr. McMillan moved that said communication be referred to the Committee on Contingent Expenses of the Convention.

Mr. President put the question on the motion of Mr. McMillan, and it was determined in the affirmative.

By vote of the Convention, the following members were excused from attendance, as follows: Messrs. Rogers, Kimmey and J. I. Green for Thursday and Friday. Mr. Pratt until Wednesday of next week.

On motion of Mr. Mulqueen, at one o'clock P. M., the Convention adjourned.

Thursday, July 26, 1894.

The Convention met pursuant to adjournment.

Prayer by Rev. A. K. Duff.

On motion of Mr. O'Brien, the reading of the Journal of Wednesday, July twenty-fifth, was dispensed with.

By vote of the Convention, the following members were excused from attendance, as follows: Messrs. Goodelle and Towns, for to-day and to-morrow. Messrs. McClure, Arnold, Cornwall, Roche, Lester and Forbes, for Friday. Messrs. Abbott and Hill, for Friday and Tuesday. Messrs. Bush, McMillan, Roderick, Lauterbach, A. B. Steele and Becker, for Friday. Mr. Lyon, for Friday and Tuesday.

367.—Mr. Smith (by unanimous consent) presented a proposed amendment to article 1, section 6 of the Constitution, for the better protection of the enjoyment of natural and personal rights.

Referred to the Select Committee.

On motion of Mr. T. A. Sullivan, and by unanimous consent, proposed amendment introductory No. 361, which was referred to the Committee on Corporations, was also referred to the Committee on Governor and State Officers.

Mr. President announced the order of business to be General Orders, pursuant to Rule 22.

The House went into Committee of the Whole, and, after some time spent therein, Mr. Vedder, from said committee, reported:

The Committee of the Whole have had under consideration the proposed constitutional amendment No. 371, introductory No. 99, entitled "Proposed constitutional amendment to amend article 3, by the addition of a new section prohibiting the Legislature, or any division of the State, from granting pensions to any civil officers or employes, not, however, including existing police and fire department pension funds," have made some progress in the same, but not having gone through therewith, have instructed the chairman to report that fact to the Convention, and ask leave to sit again.

Mr. President put the question on granting leave, and it was determined in the affirmative.

Mr. McMillan offered a resolution in words following:

"Resolved, That proposed constitutional amendment No. 371, introductory No. 99, by Mr. Roche, relating to pensions, be recommitted to the Committee on Legislative Powers and Duties with instructions that they appoint a committee of conference to meet a like committee from the Judiciary Committee, to consider and report on said amendment."

Mr. President put the question on said resolution, and it was determined in the affirmative.

On motion of Mr. McLaughlin, said constitutional amendment, with the amendments offered and those proposed in the Committee of the Whole, was printed.

The Convention again went in Committee of the Whole, and, after some time spent therein, Mr. Durfee, from said committee, reported as follows:

The Committee of the Whole have had under consideration document No. 27, being the report of Special Committee on Transfer of Land Titles, have made some progress in the same, but not having gone through therewith, have instructed the chairman to report that fact to the Convention, and ask leave to sit again.

Mr. President put the question on granting leave, and it was determined in the affirmative.

Mr. J. C. Davies offered a resolution in words following:

"Resolved, That amendment No. 363, proposed by Mr. Cornwell, and now before the Committee on Railroads, be printed for the convenience of said committee."

Mr. President put the question on said resolution, and it was determined in the affirmative.

Mr. Becker offered a resolution in words following:

"Resolved, That the Judiciary Committee inquire and report what are the existing provisions of law relating to the publication of the results of the work of the Convention."

Mr. President put the question on said resolution, and it was determined in the affirmative.

Mr. McDonough offered a resolution in words following:

"Resolved, That the Committee on Prisons and Penitentiaries be discharged from the further consideration of proposed amend-

ment No. 58, which has been referred also to the Committee on Industrial Interests."

Mr. President put the question on said resolution, and it was determined in the affirmative.

Mr. President presented a communication from the Superintendent of Public Works, in response to the resolution offered by Mr. Hottenroth July eighteenth, calling for an estimate from said department as to the probable cost of enlarging and improving the several canals of the State.

Mr. I. S. Johnson moved that said communication be printed and placed on the files of the members.

Mr. President put the question on said motion, and it was determined in the affirmative.

Mr. McKinstry, from the Select Committee on Further Amendments, to which was referred the proposed constitutional amendment introduced by Mr. Dickey, introductory No. 366, entitled "Proposed constitutional amendment to section 6 of article 6 of the Constitution, so as to create an additional judicial district from territory in the second and third judicial districts," reported that the same has been found to relate to a matter already under consideration by the Committee on Judiciary, and has, therefore, been transmitted, without printing, directly to said committee for its information, under Rule 73.

Mr. I. S. Johnson moved that the Convention take a recess until 8 o'clock P. M.

Mr. President put the question on said motion, and it was determined in the negative.

Mr. McMillan moved that it be entered upon the Journal of each day the last date of the printed record that appears upon the files of the members that day, and it was determined in the affirmative.

On motion of Mr. Spencer, at 12.25, the Convention adjourned.

Friday, July 27, 1894.

The Convention met pursuant to adjournment.

Prayer by Rev. R. D. Williamson.

On motion of Mr. O'Brien, the reading of the Journal of Thursday, July twenty-sixth, was dispensed with.

By vote of the Convention, the following members were excused from attendance, as follows: Messrs. Jenks, E. A. Brown and Faber, for to-day; Messrs. C. H. Lewis, M. E. Lewis and J. Johnson, for Tuesday and Wednesday of next week; Mr. Herzberg for next Tuesday; Mr. Titus for Tuesday, Wednesday and Thursday; Mr. Mulqueen for Thursday and Friday next.

Mr. President presented a communication in words following:

UNITED STATES SENATE,
WASHINGTON, D. C., July 26, 1894. }

HON. JOSEPH H. CHOATE, *President New York Constitutional Convention*:

DEAR SIR.—The resolutions which were duly passed by the New York Constitutional Convention in regard to the death of the late President Carnot of France, were duly received by me and transmitted to Mr. Patenotre, ambassador of the French republic here. I have received the inclosed letter from him, acknowledging their receipt, which I have the honor to forward to you.

I remain very respectfully,

DAVID B. HILL.

AMBASDE DE LA REPUBLIQUE FRANCAISE AUX ETATS UNIS, }
WASHINGTON, D. C., July 24, 1894. }

HON. DAVID B. HILL, *United States Senator, Washington, D. C.*:

SIR.—I have the honor to acknowledge receipt of your favor of the twenty-first instant, by which you send me certain resolutions passed by the Constitutional Convention of the State of New York upon the occasion of the death of the late President Carnot.

Will you kindly inform the members of that Convention that I hall not fail to transmit to Paris their beautifully engrossed resolutions, and assure them that my government will deeply appreciate

the sentiments which were adopted at Albany, on motion of Hon. John Bigelow. Thanking you personally for your courteous intervention in this matter, believe me,

Very respectfully yours,

PATENOTRE.

Mr. Alvord moved that said communications be spread upon the Journal of the Convention and printed.

Mr. President put the question on said motion, and it was determined in the affirmative.

Mr. President presented the petition of citizens of New Rochelle, relative to the manner of conducting town and village elections.

Referred to the Committee on County, Town and Village Government.

Mr. McKinstry presented the memorial of Fredonia Grange, relative to the enlargement or sale of the Erie canal.

Referred to the Committee on Canals.

Mr. Powell presented the memorial and petition of citizens of Albany, relative to nominations by the direct vote of the people.

Referred to the Committee on Suffrage.

Mr. Morton offered a resolution in words following:

Resolved, That the Committee on Rules report a rule providing for evening sessions of the Convention.

Mr. President put the question on said resolution, and it was determined in the affirmative.

Mr. Francis offered a resolution in words following:

Resolved, That it be referred to the Committee on Rules to consider and report, if, in their judgment the same be proper, to the Convention, to take the place of the present rule adopted July 17, 1894, the following rule:

No committee shall be compelled to make an adverse report before, in its judgment, the time has arrived to make such report, unless called upon so to do by a vote of the Convention, and no motion calling for such report shall be debatable, except by the mover and one of the committee called upon to make the same, and the limit of debate shall not exceed five minutes to each speaker.

After debate being had thereon, Mr. Root moved to amend by substituting the following:

“Resolved, That the rule adopted July seventeenth, relating to adverse reports of committees, be repealed.”

Mr. Francis accepted the substitute.

Mr. McDonough moved that said resolution be referred to the Committee on Rules.

Mr. President put the question on said motion, and it was determined in the affirmative.

Mr. Platzek offered a resolution in words following:

Resolved, That, beginning Tuesday of next week, this Convention shall hold sessions every Tuesday, Wednesday, Thursday and Friday evenings, commencing at 8 P. M., until the labors of this body are completed.

Referred to the Committee on Rules.

Mr. McLaughlin offered a resolution in words following:

Resolved, That the Attorney-General of this State be requested to furnish forthwith to this Convention, a statement of the number of causes actually litigated and tried before the Board of Claims during the last five years, by years, together with a statement of the time when each cause was first put at issue, or the claim filed in said court, and the time when each was actually tried and disposed of, and the name and post-office address of the attorney for each claimant.

Referred to the Committee on Judiciary.

Mr. Hamlin offered a resolution in words following:

Resolved, That there be printed for the use of the delegates to this Convention, five hundred additional copies of Document No. 15.

Referred to the Committee on Printing.

Mr. Vedder offered a resolution in words following:

Resolved, That the Committee on Rules be requested to report a rule limiting debate on reports from Standing Committees, except on contested election cases.

Mr. Marks moved to lay said resolution upon the table.

Mr. President put the question on said motion, and it was determined in the affirmative.

Mr. Francis, from the Committee on Preamble and Bill of Rights, to which was referred the proposed constitutional amendment introduced by Mr. Tucker, introductory No. 192, entitled "Proposed constitutional amendment to amend article 1 of the Constitution, as to imprisonment for debt, reported adversely thereto, which report was agreed to.

Mr. Francis, from the Committee on Preamble and Bill of Rights, to which was referred the proposed constitutional amendment introduced by Mr. Tucker, introductory No. 190, entitled "Proposed constitutional amendment to amend articles 1 and 4 of the Constitution, abolishing capital punishment and the pardoning power in sentences for life, and directing the Legislature to substitute life imprisonment, with retrial, in the event of newly-discovered evidence," reported adversely thereto.

Mr. President put the question on agreeing to said report, and it was determined in the affirmative.

Ayes — Messrs. Acker, Ackerly, Allaben, Alvord, Baker, Banks, Barhite, Barnum, Bigelow, Bowers, Cady, Carter, Chipp, Jr.; Church, Clark, G. W.; Clark, H. A.; Cochran, Cookinham, Crosby, Curran, Danforth, Davenport, Davis, G. A.; Deady, Dickey, Doty, Durfee, Emmet, Fitzgerald, W. T.; Floyd, Foote, Francis, Frank, Andrew; Frank, Augustus; Fraser, Fuller, C. A.; Galinger, Gibney, Giegerich, Gilbert, Goeller, Green, A. H.; Griswold, Hamlin, Hawley, Hedges, Herzberg, A.; Hirschberg, M. H.; Holls, Hotchkiss, Hottenroth, Johnson, J.; Johnston, R. M.; Lewis, C. H.; Lincoln, Manley, Marks, Maybee, McCurdy, McDonough, McIntyre, McKinstry, McLaughlin, C. B.; Mullen, Mulqueen, Nichols, W. H.; Nicoll, De L.; O'Brien, Ohmeis, Osborn, Parker, Parkhurst, Peabody, Peck, Phipps, Platzek, Porter, Powell, Putnam, Redman, Root, Rowley, Sandford, Schumaker, Smith, Spencer, Springweiler, Sullivan, T. A.; Tekulsky, Tibbetts, Truax, C. H.; Truax, C. S.; Turner, Van Denbergh, Vedder, Veeder, Vogt, Whitmyer, Wiggins, Williams, Woodward, President — 102.

Noes — Messrs. Barrow, Burr, Coleman, Davies, J. C.; Dean, Farrell, Hecker, Holcomb, Johnson, I. Sam; Kerwin, Lewis, M. E.; Mantanye, McArthur, McLaughlin, J. W.; Meyenborg, Moore, Morton, Pool, Riggs, Speer, Storm, Titus, Tucker — 23.

When the name of Mr. Blake was called, he asked to be and was excused from voting.

Mr. Francis, from the Committee on Preamble and Bill of Rights, to which was referred the proposed constitutional amendment introduced by Mr. Fuller, introductory No. 104, entitled "Proposed constitutional amendment to amend article 1 of the Constitution, declaring that the State of New York is an inseparable part of the Federal Union," reported adversely thereto.

After debate being had thereon, Mr. Dean moved the previous question.

Mr. President put the question on the motion of Mr. Dean, and it was determined in the affirmative.

Mr. President put the question on agreeing to the report of the committee, and it was determined in the affirmative.

Ayes — Messrs. Acker, Alvord, Banks, Bigelow, Blake, Bowers, Cassidy, Chipp, Jr.; Clark, G. W.; Cochran, Danforth, Davenport, Deady, Dean, Durfee, Farrell, Fitzgerald, T. W.; Foote, Francis, Frank, Andrew; Frank, Augustus; Giegerich, Goeller, Green, A. H.; Griswold, Hamlin, Hawley, Herzberg, A.; Hirschberg, M. H.; Holcomb, Holls, Hotchkiss, Hottenroth, Kerwin, Lewis, C. H.; Marks, McDonough, McLaughlin, J. W.; Meyenborg, Mullen, Mulqueen, O'Brien, Ohmeis, Osborn, Parker, Peabody, Peck, Platzek, Riggs, Root, Sandford, Schumaker, Speer, Spencer, Sullivan, W.; Truax, C. H.; Truax, C. S.; Tucker, Van Denbergh, Veeder, Wiggins, President — 62.

Noes — Messrs. Ackerly, Allaben, Baker, Barnum, Barrow, Burr, Cady, Carter, Clark, H. A.; Coleman, Cookinham; Crosby, Curran, Davies, J. C.; Davis, G. A.; Dickey, Doty, Floyd, Fraser, Fuller, C. A.; Galinger, Gibney, Gilbert, Hecker, Hedges, Johnson, I. Sam; Johnson, J.; Kellogg, Lewis, M. E.; Lincoln, Manley, Mantanye, Maybee, McArthur, McIntyre, McKinsty, McLaughlin, C. B.; Morton, Nichols, W. H.; Parkhurst, Phipps, Pool, Powell, Putnam, Redman, Rowley, Smith, Springweiler, Storm, Sullivan, T. A.; Tekulsky, Tibbétts, Titus, Vogt, Whitmyer, Woodward — 55.

Mr. Francis, from the Committee on Preamble and Bill of Rights, to which was referred the proposed constitutional amendment introduced by Mr. Tucker, introductory No. 263, entitled "Proposed constitutional amendment to amend the Constitution by adding to the first article thereof a new section relating to the committal of arrested persons," reported adversely thereto, which report was agreed to.

Mr. Francis, from the Committee on Preamble and Bill of Rights, to which was referred the proposed constitutional amendment introduced by Mr. Tucker, introductory No. 191, entitled "Proposed constitutional amendment to amend article 1 of the Constitution, as to damages for the loss of human life," reported adversely thereto, regarding it as more appropriately a subject for legislative treatment.

The question being on agreeing to said report.

Mr. Tekulsky moved to make said report a special order for next Tuesday evening.

Mr. J. Johnson, from the Committee on Cities, to which was referred the proposed constitutional amendments, introductory Nos. 3, 22, 113, 127, 139, 265, 295, 312 and 355, relating to home rule for cities, presented a majority report, in writing, together with a "Proposed constitutional amendment to provide home rule for cities."

Referred to the Committee of the Whole.

Mr. J. Johnson also presented the report of the minority of said committee on the same subject.

Mr. Bowers moved that said reports be printed and placed on the files.

Mr. President put the question on said motion, and it was determined in the affirmative.

Mr. President put the question on the motion of Mr. Tekulsky, and it was determined in the affirmative, two-thirds of all the Delegates elected to the Convention voting in favor thereof.

Mr. Hawley, from the Committee on Corporations, reported as follows:

REPORT OF THE COMMITTEE ON CORPORATIONS.

To the Convention:

The Committee on Corporations, to which was referred proposed constitutional amendment No. 357 (introductory No. 348), introduced by Mr. Roche, asks to be discharged from the further consideration thereof, and recommends that the same be referred to the Committee on Cities and to the Committee on Railroads:

Mr. President put the question on the adoption of said report, and it was determined in the affirmative; and said amendment was so referred.

Also,

REPORT OF THE COMMITTEE ON CORPORATIONS.

To the Convention:

The Committee on Corporations, to which was referred proposed constitutional amendment No. 321 (introductory No. 313), entitled "Proposed constitutional amendment to amend section 1 of article 8 of the Constitution, relative to the erecting and limiting of corporations," introduced by Mr. Tucker, ask to be discharged as to further consideration thereof, and requests that the same be referred to the Committee on Railroads.

Mr. President put the question on the adoption of said report, and it was determined in the affirmative; and said amendment was so referred.

Also,

REPORT OF THE COMMITTEE ON CORPORATIONS.

To the Convention:

The Committee on Corporations, to which was referred proposed constitutional amendment No. 372 (introductory No. 361), introduced by Mr. T. A. Sullivan, entitled "Proposed constitutional amendment to amend article 5 of the Constitution, by adding a new section in relation to State officers, providing for a new office to be known as the Superintendent of Corporations," asks to be discharged from the further consideration thereof, the same having been referred, on motion of Mr. Sullivan, to another and appropriate committee, and this request being made with his consent.

Mr. President put the question on the adoption of said report, and it was determined in the affirmative.

Mr. Gilbert, from the Committee on Industrial Interests, to which was referred the proposed constitutional amendment introduced by Mr. Church, introductory No. 365, entitled "Proposed constitutional amendment to amend article 6 by adding new sections, creating a Court of Compulsory Arbitration," report the same for the purpose of having it printed and referred back to said committee, which report was agreed to.

Mr. Marshall, from the Committee on Future Amendments and Revision of the Constitution, presented the following report:

To the Convention:

The Committee on Future Amendments and Revision of the Constitution, has considered the various proposed constitutional amendments referred to it, namely, introductory Nos. 59, 94, 142, 144, 189, 204, 237, 256, 285, 289, and in place thereof reports the article hereto annexed.

Said proposed constitutional amendment being:

368.—Proposed constitutional amendment to amend article 13 of the Constitution, relating to future amendments.

Referred to the Committee of the Whole.

Mr. McKinstry, from the Committee on Future Amendments, to which was referred the proposed constitutional amendment introduced by Mr. Smith, introductory No. 367, entitled a "Proposed constitutional amendment to revise and amend section 6 of article 1 of the Constitution, for the better protection of the enjoyment of natural and personal rights," that the same has been found to refer to a subject already under discussion by the Committee on Preamble and Bill of Rights, and has, therefore, been transmitted, without printing, directly to said committee for its information, in accordance with Rule 73, which report was agreed to, and said proposed constitutional amendment committed to the Committee of the Whole.

Mr. Smith moved that said proposed constitutional amendment, introductory No. 367, be printed.

Mr. President put the question on said motion, and it was determined in the affirmative.

The last Record upon the files of the members to-day was the proceedings of July twenty-fifth.

On motion of Mr. Kellogg, at 12.25, the Convention adjourned.

Tuesday, July 31, 1894.

The Convention met pursuant to adjournment.

Prayer by Rev. DeWitt G. Rockefeller.

On motion of Mr. O'Brien, the reading of the Journal of Friday, July twenty-seventh, was dispensed with.

By vote of the Convention, the following members were excused from attendance, as follows: For to-day, Messrs. Foote, Dickey and Burr. For to-day and to-morrow, Mr. Osborn. Until Thursday, Messrs. Church and Towns. During illness, Mr. Lester.

On motion of Mr. Vedder, and by unanimous consent, the order of business, "Reports of Committees," was taken up.

Mr. Vedder, from the Committee on Legislative Powers and Duties, to which was referred the proposed constitutional amendment introduced by Mr. Mereness, introductory No. 49, entitled "Proposed constitutional amendment to amend article 3 of the Constitution, relating to public officers," reported in favor of the passage of the same, with some amendments, which report was agreed to, and said proposed constitutional amendment committed to the Committee of the Whole.

Mr. President then announced General Orders, pursuant to Rule 22.

The Convention then went in Committee of the Whole, and, after some time spent therein, Mr. Alvord, from said committee, reported that owing to disorder, by applause, which the chairman was unable to suppress, he was unable to preserve order.

Mr. Holls moved that the Convention again proceed in Committee of the Whole to the consideration of said proposed constitutional amendment.

Mr. President put the question on the motion of Mr. Holls, and it was determined in the affirmative; and the President again requested Mr. Alvord to take the chair, as chairman of the Committee of the Whole. Applause again being indulged in, Mr. Alvord respectfully declined to take the chair.

The Convention then proceeded in Committee of the Whole, and, after some time spent therein, Mr. Root, from said committee, reported:

Mr. President, the Committee of the Whole have had under consideration the proposed constitutional amendment No. 316, introductory No. 64, entitled "Proposed constitutional amendment to amend section 4 of article 2 of the Constitution, empowering the Legislature to enforce, by law, the duty of voting," have made some progress in the same, but not having gone through therewith, have instructed the chairman to report that fact to the Convention, and ask leave to sit again.

Mr. President put the question on granting said leave, and it was determined in the affirmative.

By unanimous consent, Mr. McClure introduced a preamble and resolution in words following:

Whereas, The preservation of the forests and water-sheds of this State is of the greatest importance to all our people, and to every interest within the borders of the State; therefore, be it,

Resolved, That the President of this Convention appoint a special committee, of five members, to consider and report what, if any, amendments to the Constitution should be adopted for the preservation of the State forests.

The resolution, giving rise to debate, was tabled under the rule.

On motion of Mr. Holcomb, the privileges of the floor were extended to the Hon. James A. McKenna, of Queens county.

Mr. Veeder moved that the Convention take a recess until eight o'clock this evening.

Mr. President put the question on said motion, and it was determined in the affirmative.

And, at 1.10, the Convention took a recess.

EVENING SESSION.

Eight o'clock.

The Convention again met.

Mr. President announced the special order, being the question of agreeing to the adverse report of the Committee on Preamble and Bill of Rights, which was in words following:

Mr. Francis, from the Committee on Preamble and Bill of Rights, to which was referred the proposed constitutional amendment introduced by Mr. Tucker, introductory No. 191, entitled "Proposed constitutional amendment to amend article 1 of the Constitution, as to damages for the loss of human life," reports adversely thereto, regarding it as more appropriately a subject for legislative treatment.

Debate being had thereon by Messrs. Francis and Tekulsky.

Mr. W. H. Steele, Second Vice-President, in the chair.

Debate was then continued by Messrs. Maybee, Nichols and Dickey.

Mr. President in the chair.

At the conclusion of the remarks by Mr. Dickey, Mr. Veeder moved that the remarks made by Mr. Dickey, in his debate reflecting upon the gentleman from Onondaga, Mr. Alvord, be expunged from the record of debates, for the reason that they were unparliamentary.

Mr. President put the question on said motion, and it was determined in the negative.

Mr. Veeder then presented a minority report from the Committee on Preamble and Bill of Rights, as a substitute, in words following:

The undersigned, a minority of the Committee on Preamble and Bill of Rights, present the following report:

We recommend to the Convention the following "Proposed constitutional amendment, to amend article 1 of the Constitution, as to damages for the loss of human life."

Article 1 of the Constitution is hereby amended by inserting the following as a new section:

Sec. —. No statutory limitation shall be placed upon the amount of damages recoverable, or upon the right to recover by civil action for the loss of human life, or for injury to the person.

GIDEON J. TUCKER.

W. D. VEEDER.

A. H. GREEN.

Mr. Forbes moved the previous question.

Mr. President put the question on the motion of Mr. Forbes, and it was determined in the affirmative.

Mr. President put the question on agreeing to the adverse report of said committee, and it was determined in the negative.

Ayes — Messrs. Abbott, Acker, Alvord, Bigelow, Francis, Frank, Augustus; Galinger, Hamlin, Hawley, Holcomb, Mantanye, McMillan, Mereness, Parker, Parmenter, Peck, Pool, Root, Schumaker, Steele, W. H.; Tibbetts, Van Denbergh, President—23.

Noes — Messrs. Ackerly, Allaben, Arnold, Baker, Banks, Barhite, Barrow, Becker, Blake, Bowers, Brown, E. A.; Brown, E. R.; Burr, Cady, Campbell, Carter, Cassidy, Chipp, Jr.; Clark, G. W.; Clark, H. A.; Cochran, Coleman, Cookinham, Cornwell, Countryman, Crosby, Curran, Danforth, Davenport, Davis, G. A.; Deady, Dean, Deyo, Dickey, Doty, Durfee, Durnin, Emmet, Farrell, Floyd, Forbes, Frank, Andrew; Fraser, Fuller, C. A.; Giegerich, Gilbert, Gilleran, Goeller, Green, A. H.; Green, J. I.; Griswold, Hecker, Hedges, Hill, Hirschberg, M. H.; Holls, Hotchkiss, Hottenroth, Jenks, Johnson, I. Sam; Kellogg, Kerwin, Lincoln, Manley, Marks, Marshall, Maybee, McArthur, McDonough, McIntyre, McKinstry, McLaughlin, C. B.; McLaughlin, J. W.; Meyenborg, Moore, Morton, Mullen, Mulqueen, Nichols, W. H.; Nicoll, De L.; O'Brien, Phipps, Platzek, Powell, Redman, Roche, Roderick, Rogers, Sandford, Speer, Springweiler, Storm, Sullivan, T. A.; Sullivan, W.; Tekulsky, Towns, Truax, C. H.; Truax, C. S.; Tucker, Turner, Veeder, Vogt, Wellington, Whitmyer, Wiggins, Williams, Woodward — 107.

And said proposed constitutional amendment was referred to the Committee of the Whole.

By unanimous consent, Mr. Veeder asked, and was granted, leave to substitute for the minority report on said proposed constitutional amendment, previously submitted by him, the following:

The undersigned, a minority of the Committee on Preamble and Bill of Rights, present the following report:

We recommend to the Convention the following proposed constitutional amendment to amend article 1 of the Constitution, as to damages for the loss of human life.

The Delegates of the People of the State of New York, in Convention assembled, do propose as follows:

Article 1 of the Constitution is hereby amended by inserting the following as a new section:

Sec. —. The right of action is hereby given for loss of life and for injury to the person, and no statutory limitation shall be placed upon the amount of damages recoverable, or upon the right to recover by civil action for the loss of human life or for injury to the person.

GIDEON J. TUCKER.

W. D. VEEDER.

A. H. GREEN.

Mr. Root, from the Committee on Rules, reported as follows:

“Resolved, That hereafter the Convention hold evening sessions Tuesday, Wednesday, Thursday and Friday of each week, at eight o'clock, for the consideration of general orders.

Mr. Veeder moved to add at the end thereof the following: “And such further business as may come before the Convention.”

Mr. President put the question on said motion, and it was determined in the affirmative.

Mr. Moore moved to strike out the word “Friday” and insert before the word “Tuesday” the word “Monday.”

Mr. Cassidy moved to amend said motion of Mr. Moore by striking out the provision for a session Monday evening.

Mr. President put the question on the motion of Mr. Cassidy, and it was determined in the affirmative.

Mr. President put the question on the motion of Mr. Moore, as amended, and it was determined in the affirmative.

Mr. Kerwin offered the following as a substitute: Strike out all relating to evening sessions, and insert the following: “That we meet on Monday morning at ten A. M., and each successive day, including Saturday.”

Mr. President put the question on the motion of Mr. Kerwin, and it was determined in the negative.

Mr. President put the question on the adoption of said rule, as amended, and it was determined in the affirmative.

Mr. Cassidy moved to reconsider the vote agreeing to the adverse report of the Committee on Preamble and Bill of Rights on the "Proposed constitutional amendment to amend article 1 of the Constitution, declaring that the State of New York is an inseparable part of the Federal Union," No. 104, introductory No. 104, and that that motion lay upon the table.

Mr. Deady moved that the Convention now adjourn.

Mr. President put the question on the motion of Mr. Deady, and it was determined in the affirmative.

Mr. President put the question on the motion of Mr. Cassidy, to lay on the table his motion to reconsider, and it was determined in the affirmative.

On motion of Mr. McDonough, at 10.30, the Convention adjourned.

Wednesday, August 1, 1894.

The Convention met pursuant to adjournment.

Prayer by Rev. DeWitt G. Rockefeller.

On motion of Mr. O'Brien, the reading of the Journal of Tuesday, July thirty-first, was dispensed with.

The last Record appearing on the files of members, of this date, is of date July twenty-seventh.

By vote of the Convention, the following members were excused from attendance, as follows: For Wednesday, Messrs. Durnin and Bush; for Thursday, Mr. Jenks; for Thursday and Friday, Messrs. Augustus Frank, Nichols and Porter; for yesterday and to-day, Mr. Ohmeis.

Mr. President presented a communication from the Superintendent of the Onondaga Salt Springs.

Referred to the Committee on Salt Springs.

On motion of Mr. Kellogg, said communication was ordered printed.

Also, a communication from the Superintendent of the Banking Department, relative to the unclaimed deposits in the various savings institutions.

Referred to the Committee on Banking and Insurance.

On motion of Mr. Veeder, said communication was ordered printed.

Also, a memorial and petition of Rev. David Williams and others, relative to political caucuses.

Referred to the Committee on Preamble and Bill of Rights.

Mr. Tucker presented a petition in favor of female suffrage.

Referred to the Committee on Suffrage.

Mr. I. S. Johnson offered a resolution in words following:

Resolved, That the Superintendent of Banks be required to furnish this Convention a statement of the condition of the Trust Companies of this State, as shown by the last reports, showing amount of capital stock and resources, and, also, amount of profits and dividends last year.

Referred to the Committee on Banking and Insurance, and to Committee on Finance and Taxation.

Also,

Resolved, That hereafter all proposed constitutional amendments, proposed or reported by any committee of this Convention, be prepared and printed in the manner required by the resolution of this Convention adopted on June eighth.

Mr. President put the question on said resolution, and it was determined in the affirmative.

Mr. Dean called up the resolution previously offered by him, in words following:

Whereas, Section 6 of article 7 of the Constitution provides that "The Legislature shall not sell, lease or otherwise dispose of the Erie canal, the Oswego canal, the Champlain canal, the Cayuga and Seneca canal or the Black River canal, but they shall remain the property of the State and under its management forever," and,

Whereas, Section 9 of the same article provides that "The credit of the State shall not, in any manner, be given or loaned to, or in aid of, any individual, association or corporation," and,

Whereas, Section 10 of article 8 provides that "Neither the credit nor the money of the State shall be given or loaned to, or in aid of, any association, corporation or private undertaking," and,

Whereas, The Legislature of 1893, acting within the limitations thus fixed by the Constitution, enacted chapter 499, in which it is provided that "The Superintendent of Public Works may, from time to time, authorize any person or corporation to contract, maintain or operate electrical conductors for light, heat or power, upon or along any canals of this State, or any portion thereof, upon such terms or conditions, not inconsistent with the public use of such canals, as he may impose; and in like manner he may contract for or permit the use of such light, heat or power upon any such canal; provided that he shall thereby create no charge against the State, except as against appropriations lawfully applicable to such purpose," and

Whereas, The Superintendent of Public Works, acting under the provisions of this statute, has entered into a pretended contract with the Cataract General Electric Company, under the provisions of which the said Cataract General Electric Company is given a monopoly of the means of economical transit of the canals for a period of fifty years, thus violating the provision that they shall "remain the property of the State and under its management forever," as well as the provisions forbidding the State to lend its money or credit to, or in aid of, any individual, association or corporation," and,

Whereas, The said Superintendent of Public Works has assumed to go outside of the domain of the canal lands of the State, and to pretend to grant rights to the said Cataract General Electric Company to distribute light, heat or power to any part of the State, and

Whereas, He has sought in the fourth article of the pretended contract to waive the power of eminent domain, an inherent right of the State, and

Whereas, The said fourth article of the pretended contract being the elective obligation of the said pretended contract, and this being void because in conflict with the Constitution of the State, it does not come within the protection of the Federal Constitution inhibiting the power of the State to pass any "law violating the obligation of contracts," and,

Whereas, This pretended contract is counter to the established canal policy of the State, and seeks to give to a private corporation, without any adequate consideration, rights and privileges worth millions of dollars, thus working a great wrong upon the people of this State; therefore, be it,

Resolved, That this Convention, directly representing the people of the State of New York, and charged with the high duty of asserting the policy of the State, call upon the Attorney-General to bring an action against the Cataract General Electric Company, or take such other steps as may be necessary, for the purpose of annulling the so-called contract, and restoring to the people all the rights and privileges which they have, by right, in the canals of this State; and, be it, further

Resolved, That the Secretary of this Convention serve a certified copy of these resolutions upon the Attorney-General of the State, and upon the Cataract General Electric Company, to the end that it may have notice of the intended action, and that it may make no investments in good faith intended to give it any vested rights in the premises.

Mr. Veeder moved that said resolution be referred to the Committee on State Officers.

Mr. Alvord moved that said resolution lay on the table.

Mr. President put the question on the motion of Mr. Alvord, and it was determined in the affirmative.

370.—Mr. Roche presented a proposed amendment to the Constitution, abolishing tolls and making public roads free.

Referred to the Select Committee.

371.—By Mr. Hedges:

A proposed amendment to article 2 of the Constitution, relating to the method of electing public officers.

Referred to the Select Committee.

372.—By Mr. Andrew H. Green:

A proposed amendment to article 7 of the Constitution, to provide State insurance for the aged.

Referred to the Select Committee.

Mr. Vedder, from the Committee on Legislative Powers and Duties, to which was referred the proposed constitutional amendment introduced by Mr. Vedder, introductory No. 216, entitled

"Proposed constitutional amendment to amend section 10 of article 3 of the Constitution," reported in favor of the passage of the same, which report was agreed to, and said amendment committed to the Committee of the Whole.

Mr. Vedder, from the Committee on Legislative Powers and Duties, to which was referred the proposed constitutional amendment introduced by Mr. Vedder, introductory No. 330, entitled "Proposed constitutional amendment to amend section 16 of article 3 of the Constitution, as to restrictions on private and local bills." The committee request that they be discharged from further consideration of same, and that it be referred to the Judiciary Committee.

Mr. President put the question on complying with the request of the committee, and it was determined in the affirmative, and said amendment was so referred.

Mr. Hirschberg, from the Committee on Privileges and Elections, reported in the matter of the contest of John C. Kinkel, Charles L. Pashley, William Deterling, J. Lott Nostrand and Charles J. Kurth, for the seats in the Convention now held by James W. Riggs, Eugene Curran, George W. Roderick, William M. Mullen and Thomas W. Fitzgerald.

Mr. Hirschberg moved that said report be printed and made a special order for to-morrow evening at eight o'clock.

Mr. Bowers moved to amend by striking out the words "to-morrow," and inserting in lieu thereof, the words "next Wednesday."

Debate being had thereon.

Mr. Dean moved the previous question.

Mr. President put the question on the motion of Mr. Dean, and it was determined in the negative.

Debate being had on the motion to make said report a special order.

Mr. Storms moved the previous question.

Mr. President put the question on the motion of Mr. Storms, and it was determined in the negative.

Further debate being had.

Mr. Hirschberg moved the previous question.

Mr. President put the question on said motion, and it was determined in the affirmative.

Mr. President put the question, on the motion of Mr. Bowers, and it was determined in the negative.

Mr. President put the question, on the motion of Mr. Hirschberg, and it was determined in the affirmative, two-thirds of all the members elected voting in favor thereof.

Mr. Hamlin, from the Committee on Printing, reported as follows:

The Committee on Printing report the following resolution and recommend its passage:

Resolved, That one thousand copies of Document No. 15 be printed, with and including any additional rules that may have been adopted by the Convention; also, including any corrections in addresses of members, and, also, any corrections of errors or omissions in the present document.

F. H. HAMLIN,
Chairman.

Mr. President put the question on the adoption of said report, and it was determined in the affirmative.

Mr. President announced the order of business to be "General Orders."

The Convention then went in Committee of the Whole, and, after some time spent therein, Mr. Veeder, from said committee, reported:

The Committee of the Whole have had under consideration the proposed constitutional amendment, printed No. 303, entitled "Proposed constitutional amendment to amend section 5 of article 2 of the Constitution, relating to the manner of elections," made some progress in same, and asked leave to sit again.

Mr. President put the question on granting leave, and it was determined in the affirmative.

Mr. Durfee moved that said constitutional amendment, together with all the amendments proposed in the Committee of the Whole, be recommitted to the Committee on Suffrage, retaining its place on General Orders.

Mr. President put the question on said motion, and it was determined in the affirmative.

Mr. Doty moved that said proposed constitutional amendment be printed, together with the amendments proposed in the Committee of the Whole.

Mr. President put the question on said motion, and it was determined in the affirmative.

Mr. McClure called up the resolution previously offered by him in words following:

"Whereas, The preservation of the forests and water-sheds of the State is of the greatest importance to all our people, and to every interest within the border of the State; therefore, be it

"Resolved, That the President of the Convention appoint a special committee of five members to consider and report what, if any, amendments to the Constitution should be adopted for the preservation of the State forests."

Mr. President put the question on said resolution, and it was determined in the affirmative.

Mr. Marshall moved that general order No. 12, printed No. 375, relating to future amendments to the Constitution, be made a special order for this evening.

Mr. President put the question on said motion, and it was determined in the affirmative, two-thirds of all the Delegates elected to the Convention voting in favor thereof.

The Convention again went in Committee of the Whole, and, after some time spent therein, Mr. Cornwell, from said committee, reported as follows:

The Committee of the Whole have had under consideration the proposed constitutional amendment, printed No. 378, entitled "Proposed constitutional amendment to amend article 3 of the Constitution, relating to public officers," made some progress in same, and asked leave to sit again.

Mr. President put the question on granting leave, and it was determined in the affirmative.

On motion of Mr. Goodelle, at 1.20, the Convention took a recess until eight o'clock.

EVENING SESSION.

Eight o'clock P. M.

The Convention again met.

On motion of Mr. Crosby, the privileges of the floor were extended to the Hon. Timothy Sanderson.

373.—Mr. Forbes presented a proposed amendment to article 3 of the Constitution, by adding a new section relating to charities and corrections.

Referred to Select Committee.

Mr. President announced the order of business as general orders.

The Convention went in Committee of the Whole, and, after some time spent therein, Mr. Peck, from said committee, reported as follows:

The Committee of the Whole have had under consideration the proposed constitutional amendment, printed No. 375, entitled "Proposed constitutional amendment to amend article 13 of the Constitution, relating to further amendments," made some progress in same; and asked leave to sit again.

Mr. President put the question on granting leave, and it was determined in the affirmative.

Mr. Marshall moved that said proposed constitutional amendment, together with all amendments proposed and offered in Committee of the Whole, be printed and recommitted to the Committee on "Future Amendments," retaining its place on the General Orders.

Mr. President put the question on said motion, and it was determined in the affirmative.

Mr. Peabody moved that the Convention now adjourn.

Mr. President put the question on said motion, and it was determined in the affirmative.

And, at 9.40, the Convention adjourned.

Thursday, August 2, 1894.

The Convention met pursuant to adjournment.

Prayer by Rev. A. K. Duff.

On motion of Mr. O'Brien, the reading of the Journal of Wednesday, August first, was dispensed with.

The last Record appearing on the files of the members to-day is of date Friday, July twenty-seventh.

Mr. President announced the order of business General Orders.

The Convention went into Committee of the Whole and, after some time spent therein, Mr. Acker, from said committee, reported in words following :

The Committee of the Whole have had under consideration the proposed constitutional amendment, printed No. 382, entitled "Proposed constitutional amendment to amend section 10 of article 3 of the Constitution," reported progress in the same, and asked leave to sit again.

Mr. President put the question on granting leave, and it was determined in the affirmative.

Mr. Barhite presented statistics concerning the taxable property owned by women in the cities of Troy and Albany.

Referred to the Committee on Suffrage.

Mr. R. M. Johnston presented a communication from the citizens Union of the Seventeenth ward, of the city of Brooklyn, protesting against certain industries as now carried on within city limits.

Referred to the Committee on Industrial Interests.

By vote of the Convention the following members were excused from attendance as follows : For to-day, C. H. Lewis; for to-morrow, Messrs. Holcomb, McClure, Cornwell, J. Johnson, Powell; for this evening, Friday and Tuesday, Mr. Roche; indefinitely during his illness, Mr. Durnin.

Mr. President presented a communication from the State Engineer and Surveyor in response to a resolution of July eighteenth, relative to the improving of the various canals of the State.

On motion of Mr. Hottenroth, said communication was ordered printed and placed on the files.

Also, a communication from Thomas J. Meany, president of the Advance Labor Club, asking the nomination of officers by direct vote of the people.

Referred to the Committee on Industrial Interests.

Also, a petition for equal suffrage from the county of Columbia.

Referred to the Committee on Suffrage.

Also, a petition from citizens of New York asking an amendment limiting bequests to the sum of fifty thousand dollars.

Referred to the Committee on Preamble and Bill of Rights.

Mr. Floyd offered a resolution in words following :

Resolved, That the communication received by the Convention from the Second Vice-President of the Pennsylvania Railroad upon the subject of "passes" be printed and placed upon the files of the delegates.

Mr. President put the question on said resolution, and it was determined in the affirmative.

Mr. I. S. Johnson offered a resolution in words following :

Resolved, That the Commissioners of Taxes and Assessments of the city of New York be respectfully requested to furnish this Convention with a statement of the condition of the several trust companies of said city, showing the gross assets, capital stock paid in or secured to be paid in, surplus earnings, rate of dividends for the last year, deductions and nature of deductions made, and the amount of property upon which each company pays taxes; and, also, the time of purchase of non-taxable property or securities by said companies so far as the same is known by said commissioners.

Referred to the Committee on State Finances and Taxation.

Mr. Francis, from the Committee on Preamble and Bill of Rights, to which was referred the proposed constitutional amendment introduced by Mr. Goeller, introductory No. 262, entitled "Proposed constitutional amendment to amend the Constitution by adding a new section thereto, to protect innocent purchasers of real estate, prevent fraud, and limiting the time in which remedy for the wrong can be invoked," reported adversely thereto, which report was agreed to.

Mr. Davies, from the Committee on Railroads, to which was referred the proposed constitutional amendment introduced by Mr. E. R. Brown, introductory No. 47, entitled "Proposed constitutional amendment to amend article one of the Constitution against public officers riding on passes," reported in favor of the passage of the same, with some amendments, which report was agreed to, and said proposed constitutional amendment committed to the Committee of the Whole.

Mr. Foote, from the Committee on Revision and Engrossment, to which was referred the proposed constitutional amendment introduced by Mr. Dickey, introductory No. 6, entitled "Proposed constitutional amendment to amend article 10 of the Constitution to do away with the office of coroner as a constitutional office," as reported by the Committee of the Whole, reports the same as examined and corrected by this committee, and as correctly engrossed.

Mr. Mantanye moved to recommit said report to the Committee on Revision until such time as reports are received from the Committee on County, Town and Village Officers, on the same subject.

Mr. President put the question on said motion, and it was determined in the negative.

And said amendment was then ordered printed and to a third reading.

Mr. Foote, from the Committee on Revision and Engrossment, to which was referred the proposed constitutional amendment introduced by Mr. Vedder, introductory No. 73, entitled "Proposed constitutional amendment, to amend section 15 of article 3, so as to secure greater publicity and deliberation in the passage of all bills," as reported by the Committee of the Whole, reports the same as examined and corrected by this committee, and as correctly engrossed, and said amendment was ordered printed and to a third reading.

Mr. Foote, from the Committee on Revision and Engrossment, to which was referred the proposed constitutional amendment introduced by Mr. Vedder, introductory No. 269, entitled "Proposed constitutional amendment to amend section 7 of article 4 of the Constitution," as reported by the Committee of the Whole, reports the same as examined and corrected by this committee, and as correctly engrossed, and said amendment was ordered printed and to a third reading.

On motion of Mr. Cookinham, said reported amendments were laid on the table.

On motion of Mr. Forbes, said amendments were ordered printed.

Mr. Goodelle, from the Committee on Suffrage, to which was referred the proposed constitutional amendment introduced by Mr. Dean, introductory No. 21, entitled "Proposed constitutional amendment to amend article 2, to enfranchise women, to disfranchise mercenary voters, to suspend the suffrage under certain conditions, and to preserve the integrity of the ballot," reported adversely thereto, which report was agreed to.

Mr. Goodelle, from the Committee on Suffrage, to which was referred the proposed constitutional amendment introduced by Mr. Moore, introductory No. 181, entitled "Proposed constitutional amendment to amend article 2 of the Constitution by adding a new section relating to the qualifications of voters, to be known as section 6 of article 2 of the Constitution," reported adversely thereto, which report was agreed to.

Mr. Goodelle, from the Committee on Suffrage, to which was referred the proposed constitutional amendment introduced by Mr. Foote, introductory No. 224, entitled "Proposed constitutional amendment to amend section 1 of article 2 of the Constitution, by providing for submitting to vote of the people, male and female, the question as to whether the word 'male' be stricken from said section, and defining the effect of an affirmative vote in its favor by a majority of the people so voting," reported adversely thereto, which report was agreed to.

Mr. Goodelle, from the Committee on Suffrage, to which was referred the proposed constitutional amendment introduced by Mr. Lincoln, introductory No. 108, entitled "Proposed constitutional amendment to amend article 2 of the Constitution, relative to voting by women who are taxpayers," reported adversely thereto, which report was agreed to.

Mr. Goodelle, from the Committee on Suffrage, to which was referred the proposed constitutional amendment introduced by Mr. Tibbetts, introductory No. 297, entitled "Proposed constitutional amendment to amend section 1 of article 2 of the Constitution, in reference to suffrage," reported adversely thereto, which report was agreed to.

Mr. Goodelle, from the Committee on Suffrage, to which was referred the proposed constitutional amendment introduced by Mr. Abbott, introductory No. 222, entitled "Proposed constitutional amendment to amend section 1 of article 2 of the Constitution, relative to suffrage," reported adversely thereto, which report was agreed to.

Mr. Goodelle, from the Committee on Suffrage, to which was referred the proposed constitutional amendment introduced by Mr. Lincoln, introductory No. 110, entitled "Proposed constitutional amendment to amend article 2 of the Constitution, relative to female suffrage," reported adversely thereto, which report was agreed to.

Mr. Goodelle, from the Committee on Suffrage, to which was referred the proposed constitutional amendment introduced by Mr. McKinstry, introductory No. 88, entitled "Proposed constitutional amendment to amend section 2 of article 10 of the Constitution, in regard to extending the right of suffrage in city, town and village elections to all citizens," reported adversely thereto.

On motion of Mr. McKinstry, said report was laid on the table.

Mr. Goodelle, from the Committee on Suffrage, to which was referred the proposed constitutional amendment introduced by Mr. Moore, introductory No. 45, entitled "Proposed constitutional amendment to amend section 1 of article 2 of the Constitution, relative to female voters," reported adversely thereto, which report was agreed to.

Mr. Goodelle, from the Committee on Suffrage, to which was referred the proposed constitutional amendment introduced by Mr. Bigelow, introductory No. 232, entitled "Proposed constitutional amendment to amend section 1 of article 2 of the Constitution, in relation to female suffrage," reported adversely thereto.

On motion of Mr. Goodelle, said report was laid on the table.

Mr. Goodelle from the Committee on Suffrage, to which was referred the proposed constitutional amendment introduced by Mr. Tucker, introductory No. 194, entitled "Proposed constitutional amendment to amend article 2 of the Constitution, so as to separately submit to the electors of this State the question of woman suffrage," reported adversely thereto.

Mr. Goodelle moved that the question on agreeing to said report be made a special order for next Wednesday evening.

Mr. Tucker presented a minority report of the Committee on Suffrage on the proposed constitutional amendment, introductory No. 194.

Tabled and ordered printed.

Mr. Cochran moved to lay the motion of Mr. Goodelle upon the table.

Mr. President put the question on said motion, and it was determined in the negative.

Mr. President put the question on the motion of Mr. Goodelle, and it was determined in the affirmative, two-thirds of all the members elected voting in favor thereof.

Mr. Goodelle, from the Committee on Suffrage, to which was referred the proposed constitutional amendment introduced by Mr. Bigelow, introductory No. 288, entitled "Proposed constitutional amendment to secure proportionate representation," reported the same to the Convention with the recommendation that it be referred to the Committee on the Legislature, its Organization and Apportionment, etc., and that the Committee on Suffrage be discharged from further consideration of the same.

Mr. President put the question on the adoption of said report, and it was determined in the affirmative, and said amendment was so referred.

Mr. Goodelle, from the Committee on Suffrage, to which was referred the proposed constitutional amendment introduced by Mr. Tucker, introductory No. 193, entitled "Proposed constitutional amendment to amend article 1 of the Constitution, providing against property qualification for voting or holding office," reported adversely thereto, which report was agreed to.

Mr. Francis, from the Committee on Preamble and Bill of Rights, to which was referred the proposed constitutional amendment introduced by Mr. Marks, introductory No. 364, entitled "Proposed constitutional amendment to amend section 7 of article 1, relating to the taking of private property for public use," reported in favor of the passage of the same, with some amendments, which report was agreed to, and said proposed constitutional amendment committed to the Committee of the Whole.

Mr. Alvord dissented from said report.

Mr. Francis made the additional special report in connection therewith:

The Committee on "Preamble and Bill of Rights," to whom was referred a proposed amendment offered by Mr. Marks, introductory No. 364, but not printed, report the same favorably, with an amendment, "striking out the words the owner of the property," and inserting in the place thereof the words, "either party in interest," so that the proposed amendment shall read as follows:

Section 7. When private property shall be taken for any public use, the compensation to be made therefor, when such compensation is not made by the State, shall be ascertained by a jury, *when required by either party in interest, and if not so required, such compensation shall be ascertained by not less than three commissioners* appointed by a court of record, as shall be prescribed by law.

Private roads may be opened in the manner to be prescribed by law; but in every case the necessity of the road, and the amount of all damage to be sustained by the opening thereof, shall be first determined by a jury of freeholders, and such amount, together with the expenses of the proceeding, shall be paid by the person to be benefited.

It is proper to state, for the information of the Convention, that Mr. Marks requested an adverse report from the committee on his proposed amendment, but it did not appear to the committee that favorable action on the principle, only extending it to embrace the two parties to the proceeding, instead of confining it to one, could be fairly construed as an adverse decision, to be reported as such to this Convention.

With this explanation, the amendment, as agreed upon by a majority of the Committee, is hereby submitted for the consideration and action of the Convention.

JOHN M. FRANCIS,
Chairman.

Mr. Alvord moved that the special order made for next Wednesday evening, proposed constitutional amendment No. 194, being the adverse report of the Committee on Suffrage on the proposed constitutional amendment relating to female suffrage, be continued, from time to time, each evening on which the Convention sits, until the question is disposed of.

Mr. President put the question on said motion, and it was determined in the affirmative, two-thirds of the Delegates voting in favor thereof.

Mr. Veeder moved that the minority report of the Committee on Preamble and Bill of Rights, being Document No. 36, be referred to the Committee of the Whole, having under consideration General Order No. 15.

Mr. President put the question on said motion, and it was determined in the affirmative.

Mr. Vedder, from the Committee on Legislative Powers and Duties, to which was referred the proposed constitutional amendment introduced by Mr. Roche, introductory No. 116, entitled "Proposed constitutional amendment to amend section 18 of article 3, adding certain subjects to those as to which the Legislature is forbidden from passing special or local acts upon," reported in favor of the passage of the same, with some amendments, which report was agreed to, and said proposed constitutional amendment committed to the Committee of the Whole.

On motion of Mr. Hill, at 12.20, the Convention took a recess.

EVENING SESSION.

Eight o'clock P. M.

The Convention again met.

Mr. President announced the following Special Committee, pursuant to the provisions of the resolution offered by Mr. McClure, relative to the preservation of the forests and watersheds: Messrs. McClure, Peabody, McLaughlin, McIntyre and Mereness.

By vote of the Convention, the following members were excused from attendance, as follows: Messrs. Goodelle, Hirschberg and Tibbetts, for to-morrow; Mr. Van Denbergh during his sickness.

The President announced the Special Order, being the report of the Committee on Privileges and Elections, relative to the contests in the Sixth Senatorial district, in words following:

REPORT

OF THE COMMITTEE ON PRIVILEGES AND ELECTIONS RELATIVE TO THE
CONTESTS IN THE SIXTH SENATORIAL DISTRICT.

To the Constitutional Convention :

The Committee on Privileges and Elections, to whom was referred the petition of John C. Kinkel, Charles L. Pashley, William Deterling, J. Lott Nostrand and Charles J. Kurth, claiming that they were duly elected delegates to the Constitutional Convention from the Sixth Senatorial district of the State of New York, at the last general election, and are entitled to the seats in this body held respectively by James W. Riggs, Eugene Curran, George W. Roderick, William M. Mullen and Thomas W. Fitzgerald, respectfully report, that they have heard the proofs and allegations of the parties and have given to both parties ample opportunity to submit such evidence as they desired; that they have carefully considered the evidence; and that in the opinion of said committee the following facts are established by it :

As the result of the official canvass of the vote for district delgates to the Constitutional Convention from the Sixth Senatorial district the Board of Canvassers certified that the entire vote of said district was 225,058 votes, of which

James W. Riggs received.....	22,032
Eugene A. Curran received.....	22,032
George W. Roderick received.....	22,039
William M. Mullen received.....	21,794
Thomas W. Fitzgerald received.....	21,735
John C. Kinkel received.....	21,485
Charles L. Pashley received.....	21,481
William Deterling received.....	21,484
J. Lott Nostrand received.....	21,482
Charles J. Kurth received.....	21,489

A few votes were cast for other candidates and 317 votes were returned as blank and defective. /

According to this certificate James W. Riggs' majority is 543; Eugene A. Curran's majority is 543; George W. Roderick's majority is 550; William M. Mullen's majority is 305; Thomas W. Fitzgerald's majority is 246, over Charles J. Kurth, the can-

didate for the same office, who received the next highest number of votes, viz. : 21,489.

The Sixth Senatorial district is composed of Richmond county and the towns of Gravesend, Flatbush, New Utrecht and Flatlands in Kings county, and the Eighth, Twenty-fourth, Twenty-sixth, Twenty-eighth, and part of the Twenty-second wards of the city of Brooklyn. The town of Gravesend was divided into six election districts in the spring of 1890, but the districts were all concentrated in a single room in the Town Hall by a curious manipulation, which will appear on an inspection of the official map of such division in evidence. This concentration was effected by running a little arm of land about fifteen feet in width from each of the six election districts into the center hall or room of the main floor of said building, thus providing in said room by the erection of portable partitions a polling place twelve by fifteen feet in size for each of the six districts. This ingenious division was made by the Town Board of which John Y. McKane was chairman.

The registry of electors in the second election district of the town of Gravesend contained 2,465 names in the year 1893, nearly nine hundred in excess of the entire population according to the census of 1892. This registry of electors was not entirely made in accordance with the requirements of the statute. The names in numerous instances were collected by certain persons who went through the district in or about the month of August, and took the names of a great number of persons who were then temporarily within the district without regard to the question of their legal right to vote. There was no proper compliance with the requirements of the statute as to the entry in said registry list of the residences of voters by street and number, nor was there the required brief description of the locality of the residences of the persons whose names were entered in said list.

Election district No. 2, in the town of Gravesend, comprised a large part of Coney Island, a popular resort during the summer months for people living in New York and Brooklyn. In this district was a great number of hotels, saloons and places for the entertainment of people resorting to Coney Island, and these buildings were used only during the summer season and were closed about the first of September. The registry list thus made up contained the names of a great many persons connected with such places of entertainment as cooks, waiters and servants, who were accustomed to remain at Coney Island only during the

period when these hotels, saloons and places of entertainment were in use.

No copy of this registry list was posted, as required by the statute, and the persons having control of it refused to allow the list to be examined by those seeking to make such an examination for the purpose of ascertaining if the same contained names which ought to be canceled or struck off in the manner provided by the statute. During a week or more preceding the election a persistent and organized effort was made by citizens of the Senatorial district to inspect this and the other registry lists in the town of Gravesend for the purpose of ascertaining whether or not they were made under the requirements of the law, and whether or not they contained the names only of legal voters. This effort was successfully resisted by concerted action on the part both of the police authorities and the inspectors of election, indicating the existence of a conspiracy to prevent inspection of the lists by the public. An action was brought in the Supreme Court against John Y. McKane, the Chief of Police of the town, and the inspectors of election, by the candidate for Supreme Court justice on the Republican ticket, and in that action an injunction order was granted, restraining the defendants from interfering with Republican watchers, duly commissioned to observe the conduct of the election. These watchers, together with challengers accompanying them, were violently assaulted and driven away from the polls on election morning, and in many instances were unlawfully arrested and placed in jail. By these high-handed and tyrannical means, all independent observation of the course and conduct of the election in the town was prevented.

An inspection of the registry list and the poll-list in the Second Election district of Gravesend has satisfied your committee that the return of 1,512 votes in that district does not honestly represent the votes cast on election day. The inference from such inspection is inevitable, that ballots were placed in the ballot box in that district to the number of many hundreds without any voter being present to cast them, and that names were copied from the registry to falsely represent such pretended voters. The names on the poll-list occur in pairs, and in runs of three, four, five, and even more, in the same order as the names appear alphabetically on the registry list, indicating, if the returns were honest, that almost the entire body of voters presented themselves on election day to vote in the same order and sequence as they

had previously been registered, which combination the committee think impossible to occur honestly the entire day. The number of votes returned as having been cast in the Second district is remarkably large, and suggests the inquiry whether so many votes could be cast, in accordance with the requirements of the law, during the limited period of ten hours and twelve minutes. The evidence taken by the committee establishes the fact that only once or twice during the day a line was formed at the Second election district polling place, and that no crowds of voters were seen going in that polling place at any time during election day. The absence of crowds, or indeed of any person going in such polling place, was especially observable during the early hours in the morning after the opening of the polls, and yet one witness who testified before the committee that he voted between nine and ten o'clock, is found on an inspection of the poll-list to have been given a ballot numbered 633. The ordinary difficulties in the way of casting as many as 1,512 votes in a little over ten hours, under the requirements of the existing election law, are greatly increased where the voters are compelled to lose the time which would necessarily be consumed in ranging themselves in alphabetical order and with regard to a similar arrangement of their names on the registry list. These difficulties would be further enhanced if the voters had left Coney Island in September and were compelled to come from various other towns and cities when assembling to vote in the Second district. Your committee, therefore, are of the opinion that it would have been physically impossible for 1,512 voters to have voted within the time named, under the circumstances proven in this case, in compliance with the law, and in the order in which their names appear on both the registry and poll-lists in question.

There are other peculiarities which cast suspicion on the integrity of this list. Under each of the letters I, J, T, Y and Z precisely the same number of votes are returned as are registered. Nearly six hundred votes are cast in succession without one name appearing under the letter E, and similar instances with respect to other letters appear where hundreds of votes are cast in succession without a single name appearing under the respective initial. In many instances two and even three different ballot numbers are ascribed to a single voter. In other numerous instances the same return shows that a ballot bearing a high number is voted prior to one of a much lower number. Erasures and alterations in the ballot numbers attached to the names of

the alleged voters are quite common. In short the entire list bears on its face unmistakable evidence that it was made up to represent a fictitious and fraudulent vote, copied at random from the registry list. Your committee are unable to ascertain the precise number of fictitious votes thereby returned, but are convinced such number largely exceeds the highest majority accorded the sitting members above referred to.

This view is confirmed by the result of the election held in the town of Gravesend in the spring of 1894. That election was hotly contested, as is conceded by every witness examined before the committee, and it seems also to be conceded that a strenuous and successful effort was made to get out the entire vote of the town. Notwithstanding such efforts and the intense excitement which prevailed in that election, and notwithstanding the fact that the voting at such election was done with the registry lists made in the fall of 1893 as a basis, the entire vote recorded in the Second Election district was only four hundred and twenty-three.

The illegal, fraudulent and criminal acts in the Second Election district in the fall of 1893 were of such extent and character as to conclusively impeach the return made by the inspectors. They render such return worthless as evidence of the honest vote and require that the same should be thrown out and disregarded under the law and the established practice in election cases.

This return certifies that the 1,512 votes in question were cast for the office of delegate to the Constitutional Convention from the Sixth Senatorial district of the State as follows :

	Votes
George W. Riggs.....	1,512
Eugene Curran.....	1,502
George W. Roderick.....	1,502
William M. Mullen.....	1,502
Thomas W. Fitzgerald.....	1,502
John C. Kinkel.....	10
Charles L. Pashley.....	10
William Deterling.....	10
J. Lott Nostrand.....	10
Charles J. Kurth.....	None.

Deducting these votes from the result as certified by the Board of State Canvassers, it will appear that

	Votes
John C. Kinkel received.....	21,475
Charles L. Pashley received.....	21,471
William Deterling received.....	21,474
J. Lott Nostrand received.....	21,472
Charles J. Kurth received.....	21,489
James W. Riggs received.....	20,520
Eugene Curran received.....	20,530
George W. Roderick received.....	20,537
William W. Mullen received.....	20,292
Thomas W. Fitzgerald received.....	20,233

Or that John C. Kinkel received a majority of 938; Charles L. Pashley received a majority of 934; William Deterling received a majority of 937; J. Lott Nostrand received a majority of 935; Charles J. Kurth received a majority of 952, over the candidate for the same office having the next highest number of votes, viz. : George W. Roderick, who received 20,537.

Your committee further report that frauds were proved to have been perpetrated in other election districts in the town of Gravesend and in the town of Castleton, Richmond county, which affected the result of said election, but inasmuch as the result of the frauds in the Second Election district of the town of Gravesend calls, in the judgment of your committee, for the total rejection of the vote of that district and is decisive of the result, your committee deem it unnecessary to examine particularly into the circumstances of the frauds in other districts or the extent of the effect produced by them upon the general result.

It is due to the sitting members to add that the evidence taken by your committee does not tend in the slightest degree to connect any of them with the frauds or unlawful practices referred to in this report.

Your committee recommend the passage of the following resolutions :

First. Resolved, That James W. Riggs, Eugene Curran, George W. Roderick, William M. Mullen and Thomas W. Fitzgerald are not entitled as delegates from the Sixth Senatorial district to the seats now occupied by them in this Convention.

Second. Resolved, That John C. Kinkel, Charles L. Pashley, William Deterling, J. Lott Nostrand and Charles J. Kurth are

duly elected delegates from the Sixth Senatorial district and are entitled to the seats in this Convention now occupied by the said James W. Riggs, Eugene Curran, George W. Roderick, William M. Mullen and Thomas W. Fitzgerald.

Dated July 31, 1894.

M. H. HIRSCHBERG,
Chairman.

Debate being had thereon.

Mr. McDonough moved that the vote be taken jointly on both resolutions as reported by the committee.

Mr. President put the question on said motion, and it was determined in the affirmative.

Mr. President then put the question on the adoption of the resolutions as reported by the Committee on Privileges and Elections, and it was determined in the affirmative.

Ayes — Messrs. Abbott, Acker, Ackerly, Allaben, Alvord, Arnold, Baker, Banks, Barhite, Barnum, Barrow, Blake, Bowers, Brown, E. A.; Brown, E. R.; Burr, Campbell, Carter, Cassidy, Chipp, Jr.; Clark, G. W.; Clark, H. A.; Coleman, Cookinham, Cornwell, Crimmins, Crosby, Davenport, Davies, J. C.; Davis, G. A.; Deady, Dean, Deyo, Dickey, Doty, Durfee, Emmet, Faber, Fields, Floyd, Forbes, Frank, Andrew; Fraser, Fuller, C. A.; Fuller, O. A.; Galinger, Gibney, Giegerich, Gilleran, Goeller, Green, A. H.; Hamlin, Hawley, Hecker, Hedges, Herzberg, A.; Hill, Hirschberg, M. H.; Holls, Hottenroth, Jacobs, Johnson, I. Sam; Johnson, J.; Johnston, R. M.; Kellogg, Lester, Lewis, M. E.; Lincoln, Lyon, Marks, McClure, McCurdy, McLaughlin, C. B.; Mereness, Moore, O'Brien, Osborn, Peck, Phipps, Platzek, Pool, Powell, Pratt, Putnam, Redman, Springweiler, Steele, A. B.; Steele, W. H.; Sullivan, T. A.; Tekulsky, Titus, Tucker, Turner, Vedder, Veeder, Vogt, Wellington, Wiggins, Woodward, President — 101.

Noes — Messrs. Green, J. I.; McLaughlin, J. W.; Speer.

When the name of Mr. Cochran was called, he asked to be and was excused from voting, for the reason that he held a contested seat:

When the name of Mr. Towns was called, he asked to be and was excused from voting.

Mr. Alvord offered a resolution in words following:

Resolved, That while the evidence contained in the unanimous report of the Committee on Privileges and Elections has compelled the Convention to conclude that Messrs. Riggs, Mullen, Curran, Roderick and Fitzgerald, are not entitled to retain their seats in the Convention, we desire to put on record our conviction, and high appreciation of the pure character of those gentlemen, and of their faithful conduct as members of this Convention, and our personal regret at parting with them.

Mr. President put the question on the adoption of said resolution, and it was adopted unanimously by a rising vote.

On motion of Mr. Hirschberg, the privileges of the floor were extended to Messrs. James W. Riggs, Eugene Curran, George W. Roderick, William Mullen and Thomas W. Fitzgerald, during the remainder of the sessions of the Convention, and it was determined in the affirmative.

Mr. President then administered the oath of office to Charles J. Kurth, William Deterling and Charles L. Pashley.

Mr. President announced the appointment of Joseph L. McEntee, as correspondent for the "United Press."

On motion of Mr. H. A. Clark, at 9.55, the Convention adjourned.

Friday, August 3, 1894.

The Convention met pursuant to adjournment.

Prayer by Rev. John Giffen.

On motion of Mr. O'Brien the reading of the Journal of Thursday, August second, was dispensed with.

Mr. President presented a communication from citizens of Staten Island relative to life, liberty and happiness.

Referred to the Committee on Preamble and Bill of Rights.

The last Record appearing on the files of members to-day, is of date July thirty-first.

Mr. President announced the following appointments on committees for the members seated last evening :

Deterling — *Charities, Banking and Insurance.*

Pashley — *Railroads and Contingent Expenses.*

Kinkel — *County, Town and Village Government and Select Committee on Amendments.*

Nostrand — *Powers and Duties of the Legislature and Indians.*

Kurth — *Revision and Engrossment and Industrial Interests.*

Mr. Deyo is substituted in place of Mr. Riggs on the Special Committee on Land Titles.

Mr. Gibney moved to discharge the Committee on County, Town and Village Government from the consideration of the proposed constitutional amendment No. 250, introduced by him, and refer the same to the Committee on County, Town and Village Officers.

Mr. Alvord moved to lay said motion on the table.

Mr. President put the question on said motion, and it was determined in the negative.

Debate being had thereon.

Mr. Dean moved the previous question.

Mr. President put the question on said motion, and it was determined in the affirmative.

Mr. President put the question on the motion of Mr. Gibney, and it was determined in the negative.

Mr. I. S. Johnson offered a resolution in words following :

Resolved, That the Sergeant-at-Arms be required to place all proposed amendments ordered to third reading, when printed, in the files marked "Convention Resolutions."

Mr. President put the question on said resolution, and it was determined in the affirmative.

Mr. Vedder, from the Committee on Powers and Duties of the Legislature, to which was referred the proposed constitutional amendment introduced by Mr. Titus, introductory No. 276, entitled "Proposed constitutional amendment to amend the Constitution by providing for local option in the sale of spirituous, malt or intoxicating liquors or beverages, making a new section as follows," reported adversely thereto.

Debate being had thereon.

Mr. Dean moved the previous question.

Mr. President put the question on said motion, and it was determined in the affirmative.

Mr. President put the question on the adoption of said report, and it was determined in the affirmative.

Ayes — Messrs. Abbott, Acker, Ackerly, Alvord, Arnold, Baker, Banks, Barhite, Barnum, Barrow, Bigelow, Cady, Carter, Cassidy, Chipp, J.; Church, Clark, G. W.; Clark, H. A.; Cookinham, Countryman, Crosby, Davies, J. C.; Davis, G. A.; Deady, Dean, Deterling, Dickey, Doty, Durfee, Floyd, Foote, Fraser, Fuller, C. A.; Fuller, O. A.; Gilbert, Hamlin, Hawley, Hedges, Hill, Holls, Jacobs, Kellogg, Kimmey, Kurth, Lester, Lewis, C. H.; Lincoln, Lyon, Manley, Mantanye, Marshall, Maybee, McArthur, McCurdy, McDonough, McIntyre, McKinstry, McLaughlin, C. B.; Mereness, Moore, Morton, O'Brien, Osborn, Parker, Parkhurst, Parmenter, Peck, Phipps, Pool, Pratt, Putnam, Rogers, Root, Schumaker, Spencer, Steele, A. B.; Steele, W. H.; Storm, Sullivan, T. A.; Turner, Vedder, Wellington, Whitmyer, Wiggins, Woodward, President — 87.

Noes — Messrs. Becker, Blake, Bowers, Burr, Bush, Campbell, Cochran, Coleman, Danforth, Davenport, Emmet, Forbes, Frank, Andrew; Galinger, Gibney, Giegerich, Gilleran, Goeller, Green, A. H.; Green, J. I.; Griswold, Hecker, Herzberg, A.; Hottenroth, Johnson, I. Sam; Johnston, R. M.; Kerwin, Lewis, M. E.; Marks, McLaughlin, J. W.; Meyenborg, Nicoll, De L.; Ohmeis, Peabody, Platzek, Redman, Sandford, Smith, Speer, Springweiler, Sullivan, W.; Tekulsky, Titus, Towns, Truax, C. H.; Truax, C. S.; Tucker, Veeder, Vogt, Williams — 50.

Messrs. A. H. Green and Griswold having voted in the negative, under a misapprehension, desired it entered upon the Journal that they were in favor of agreeing to the report of the committee.

Mr. Vedder, from the Committee on Legislative Powers and Duties, to which was referred the proposed constitutional amendment introduced by Mr. McKinstry, introductory No. 90, entitled "Proposed constitutional amendment to amend article 3 of the Constitution in regard to taking saloons out of politics," reported in favor of the passage of the same, with some amendments, which report was agreed to, and said proposed constitutional amendment committed to the Committee of the Whole.

Mr. Vedder, from the Committee on Legislative Powers and Duties, to which was referred the proposed constitutional amendment introduced by Mr. J. Johnson, introductory No. 212, entitled

"Proposed constitutional amendment to amend the Constitution in relation to the title of bills," reported in favor of the passage of the same with some amendments, which report was agreed to and said proposed constitutional amendment committed to the Committee of the Whole.

Mr. Vedder, from the Committee on Legislative Powers and Duties, to which was referred the proposed constitutional amendment introduced by Mr. Barhite, introductory No. 120, entitled "Proposed constitutional amendment to amend section 6 of article 1 of the Constitution, giving the Legislature power to pass certain laws," reported in favor of the passage of the same with some amendments, which report was agreed to and said proposed constitutional amendment committed to the Committee of the Whole.

Mr. Vedder, from the Committee on Legislative Powers and Duties, to which was referred the proposed constitutional amendment introduced by Mr. Roche, introductory No. 146, entitled "Proposed constitutional amendment to amend section 13 of article 3 of the Constitution, as to passage of bills by the Legislature," reported in favor of the passage of the same with some amendments, which report was agreed to and said proposed constitutional amendment committed to the Committee of the Whole, Mr. Vedder dissenting.

Mr. Vedder, from the Committee on Legislative Powers and Duties, to which was referred the proposed constitutional amendment introduced by Mr. Becker, introductory No. 215, entitled "Proposed constitutional amendment to amend the Constitution in relation to grants," reported in favor of the passage of the same with some amendments, which report was agreed to, and said proposed constitutional amendment committed to the Committee of the Whole.

Mr. Acker, from the Committee on Finance and Taxation, to which was referred the resolution introduced by Mr. I. S. Johnson, entitled "A resolution requesting the Commissioner of Taxes and Assessments of the city of New York to furnish a statement of the condition of the several trust companies of that city, showing gross, assets," etc., reported in favor of the passage of the same with some amendments, and recommend its adoption in words following :

Resolved, That the Commissioners of Taxes and Assessments of the city of New York be respectfully requested to furnish this Convention with a statement of the condition of the several trust

companies of said city, showing the gross assets, other than real estate, capital stock paid in or secured to be paid in, surplus earnings, rate of dividends for the last year, deductions and nature of deductions made, and the amount of property upon which such company pays taxes; and also the time of purchase of non-taxable property or securities, by said companies, so far as the same is known by said commissioners.

Mr. President put the question on said resolution, and it was determined in the affirmative.

Mr. Acker, from the Committee on Finance and Taxation, to which was referred the resolution introduced by Mr. I. S. Johnson, entitled "A resolution requiring the Superintendent of Banks to furnish information concerning the condition of trust companies, their capital, surplus, resources, amount of profits and dividends," reported in favor of the passage of the same with some amendments, and recommend its adoption in words following :

Resolved, That the Superintendent of Banks be required to furnish this Convention a statement of the condition of the several trust companies of this State as shown by their last reports showing amount of capital stock, surplus and resources, other than real estate, and also amount of profits and dividends during the last year.

Mr. President put the question on said resolution, and it was determined in the affirmative.

Mr. Hawley, from the Committee on Corporations, reported in words following:

To the Convention:

Your Committee on Corporations, having had under consideration proposed constitutional amendment No. 322 (int. 314), introduced by Mr. Tucker, entitled "Proposed constitutional amendment to amend section 2 of article 8 of the Constitution, to require payment of wages weekly to employes of corporations, and better to secure the same," and having reached a determination adverse thereto;

And, your committee having thereafter been requested, in writing, by Mr. Tucker, to report its adverse determination, does, in obedience to such request, now report adversely thereto.

Dated August 2, 1894.

CHARLES A. HAWLEY,
Chairman Committee on Corporations.

On motion of Mr. Cochran, said report was laid on the table.

On motion of Mr. Tucker, said report was taken from the table.

Mr. President put the question on the adoption of said report, and it was determined in the affirmative.

Mr. Hawley, from the Committee on Corporations, reported in words following:

To the Convention:

Your Committee on Corporations, having had under consideration proposed constitutional amendment, introductory No. 360, introduced by Mr. Tucker (transmitted to your committee by the Select Committee, without being printed), and entitled "Proposed constitutional amendment to provide for the construction, operation and perpetual ownership by the State, or where local, by the civil divisions of the State, of all public works, and for the purchase of such as may be held by private ownership," report adversely thereto.

Dated August 2, 1894.

CHARLES A. HAWLEY,
Chairman Committee on Corporations.

Mr. President put the question on the adoption of said report, and it was determined in the affirmative.

Mr. McDonough, from the Committee on State Prisons, etc., to which was referred the proposed constitutional amendment introduced by Mr. McDonough, introductory No. 117, entitled "Proposed constitutional amendment to amend article 3 of the Constitution by adding a section to provide for the occupation and employment of prisoners in the State prisons, penitentiaries, jails and reformatories of the State," reported in favor of the passage of the same, with some amendments, which report was agreed to, and said proposed constitutional amendment committed to the Committee of the Whole.

Mr. McDonough, from the Committee on State Prisons, etc., to which was referred the proposed constitutional amendment introduced by Mr. Blake, introductory No. 201, entitled "Proposed constitutional amendment to amend section 5 of article 1 of the Constitution, providing for the abolition of the death penalty," reported adversely thereto.

Mr. Blake moved that the question on agreeing to said report, be made a special order for next Wednesday morning.

Mr. President put the question on said motion, and it was determined in the affirmative, two-thirds of all the Delegates voting in favor thereof.

Mr. McDonough, from the Committee on State Prisons, etc., to which was referred the proposed constitutional amendment introduced by Mr. Tucker, introductory No. 264, entitled "Proposed constitutional amendment to amend the Constitution by adding to the first article thereof a new section, relating to the punishment of inmates of prisons, asylums, alms-houses," etc., reported adversely thereto, which report was agreed to.

Mr. E. R. Brown, from the Select Committee on Further Amendments to the Constitution, to which was referred the proposed constitutional amendment introduced by Mr. Roche, introductory No. 370, entitled "Proposed constitutional amendment for the abolition of tolls, and making public roads free," reported that, in its opinion, the same ought to be printed and referred, under Rule 32, which report was agreed to, and said amendment was referred to the Committee on Legislative Powers and Duties.

Mr. E. R. Brown, from the Select Committee on Further Amendments to the Constitution, to which was referred the proposed constitutional amendment introduced by Mr. Hedges, introductory No. 371, entitled "Proposed constitutional amendment to amend article 2 of the Constitution, relating to the methods of electing public officers," reported that the same has been found to relate to a subject already under consideration by the Committee on Suffrage, and has, therefore, been transmitted, without printing, directly to said committee for its information, under Rule 73.

Mr. E. R. Brown, from the Select Committee on Further Amendments to the Constitution, to which was referred the proposed constitutional amendment introduced by Mr. Forbes, introductory No. 373, entitled "Proposed constitutional amendment to amend article 3 by adding a new section," reported that the same has been found to relate to a subject already under consideration by the Committee on Charities, and has, therefore, been transmitted without printing, directly to said committee for its information, under Rule 73.

Mr. E. R. Brown, from the Select Committee on Further Amendments to the Constitution, to which was referred the proposed constitutional amendment introduced by Mr. A. H. Green, introductory No. 372, entitled "Proposed constitutional amendment to provide a State insurance fund for the aged," reported that the

same has been found to relate to a subject already under consideration by the Committee on Banking and Insurance, and has, therefore, been transmitted, without printing, directly to said committee for its information, under Rule 73.

Mr. Gilbert, from the Committee on Civil Service, to which was referred the proposed constitutional amendment introduced by Mr. H. A. Clark, introductory No. 206, entitled "Proposed constitutional amendment to amend the Constitution relative to civil service of the State and cities," reported in favor of the passage of the same, with some amendments, which report was agreed to, and said proposed constitutional amendment committed to the Committee of the Whole.

By vote of the Convention, the following members were excused from attendance, as follows: For to-day, Messrs. Deyo and Lauterbach; for Tuesday and Wednesday next, Messrs. Herzberg, Danforth, Deady and Hamlin; for next week, Mr. C. H. Truax.

On motion of Mr. Cady, at 11.38, the Convention adjourned.

Tuesday, August 7, 1894.

The Convention met pursuant to adjournment.

Prayer by Rev. Lyman Edwin Davis.

On motion of Mr. O'Brien, the reading of the Journal of Friday August third, was dispensed with.

Mr. President administered the oath of office to John C. Kinkel and J. Lott Nostrand.

The last day's Record appearing on the files of members this day is of date Thursday, August second.

By vote of the Convention the following members were excused from attendance: For to-day Messrs. Holcomb, Towns, A. H. Green, Gilbert, Whitmyer, Hirschberg and Durfee; for this evening, Mr. Arnold; for to-day and to-morrow, Mr. McArthur; for Wednesday and Thursday, Messrs. Goeller and Vedder; for Thursday and Friday, Mr. Storm; during his illness, Mr. Tekulsky.

Mr. A. B. Steele moved that a committee of three be appointed by the President to draft suitable resolutions on the death of Hon. Walter L. Van Denbergh, a delegate in this Convention.

Mr. President put the question on said motion, and it was determined in the affirmative, and Mr. President appointed as such committee Messrs. A. B. Steele, Francis and Hawley.

Mr. President announced the order of business to be General Orders, pursuant to Rule 22.

The Convention went into Committee of the Whole, and, after some time spent therein, Mr. I. S. Johnson, from said committee, reported :

The Committee of the Whole have had under consideration the proposed constitutional amendment printed No. 376, entitled "Proposed constitutional amendment to provide home rule for cities," reported progress in same, and asked leave to sit again.

Mr. President put the question on granting leave, and it was determined in the affirmative.

Mr. Vedder moved that one thousand copies of said amendment, General Order No. 13, be printed with the amendments made in the Committee of the Whole, printed in italics, for the use of the Convention.

Referred to the Committee on Printing.

Mr. A. B. Steele, from the special committee appointed, relating to the death of Hon. Walter L. Van Denbergh, presented the following :

Whereas, Since the last session of this Convention one of the oldest and most respected delegates, the Honorable Walter L. Van Denbergh, has departed this life; and this Convention having come to recognize in the deceased the earnestness of a faithful and conscientious member, the ability of a good lawyer and wise counselor, the purposes of an honest citizen and the character of a good man, it is therefore,

Resolved, That in the decease of Mr. Van Denbergh we acknowledge with sincere sorrow the irreparable loss which this Convention has sustained; and being reminded by it, not only of the uncertainty of life, but of our own duties and obligations to the people of the State, we hereby, in the shadow of this bereavement, consecrate ourselves anew to perform worthily, conscientiously and faithfully the work intrusted to us as we have been given light to perceive it; and, be it further

Resolved, That the President of this Convention appoint a committee of fifteen delegates to attend the funeral of the deceased, and that after the appointment of such committee, as a mark of our respect and esteem for the deceased, this Convention be declared adjourned.

A. B. STEELE,
JOHN M. FRANCIS,
CHARLES A. HAWLEY,
Committee.

Pursuant to said resolutions Mr. President appointed as such committee to attend the funeral of the late Hon. Walter L. Van Denbergh: Messrs. Alvord, A. B. Steele, Lester, Whitmyer, E. A. Brown, Spencer, Francis, Augustus Frank, Woodward, Parker, Bigelow, A. H. Green, Tucker, Schumaker and Vedder.

Mr. President then put the question on said resolutions, and they were unanimously adopted by a rising vote.

Pursuant to said resolution, at 1.25, the Convention adjourned.

Wednesday, August 8, 1894.

The Convention met pursuant to adjournment.

Prayer by Rev. Martin Flipse.

On motion of Mr. Acker, the reading of the Journal of Tuesday, August seventh, was dispensed with.

Mr. Storm presented a memorial from the Flushing Village Association, relative to pool selling, which, by unanimous consent, was read by the Secretary, and referred to the Committee on Preamble and Bill of Rights.

Mr. Alvord presented a communication from General George J. Magee on compulsory voting.

Referred to the Committee of the Whole having that subject in charge.

Also, a communication on the subject of taxation.

Referred to the Committee on State Finances and Taxation.

Mr. Moore presented petitions in favor of the enfranchisement of women.

Referred to the Committee on Suffrage.

Mr. Becker presented memorials in favor of civil service reform.

Referred to the Special Committee.

Mr. President presented a petition from G. W. Grant, which was referred to the Committee on Constitutional Amendments.

By vote of the Convention, the following members were excused from attendance, as follows: For to-day, Mr. Cady; for yesterday, Mr. Smith; for Tuesday next, Mr. Wiggins; for Thursday and Friday, Mr. Redman; for Thursday and Friday of next week, Mr. Maybee; during illness, Mr. Phipps.

The last Record appearing upon the files of members to-day is of date August third.

Mr. Goodelle offered a resolution in words following:

Resolved, That proposed amendment, introductory No. 194, introduced by Mr. Tucker, be recommitted to the Committee on Suffrage, retaining its place as a special order for this evening.

Mr. President put the question on said resolution, and it was determined in the affirmative.

374.—Mr. A. H. Green, by unanimous consent, presented a proposed constitutional amendment relative to moneys collected for the State, city, county, town or village.

Referred to the Special Committee on Proposed Amendments.

Mr. Hawley, from the Committee on Corporations, reports favorably from said committee, an original proposed constitutional amendment, entitled "Proposed constitutional amendment as to trusts or combinations," which was read the first and second time and referred to the Committee of the Whole.

In behalf of Mr. Vedder, Mr. Barhite moved that the Committee on Powers and Duties of the Legislature, be discharged from the further consideration of proposed constitutional amendment, printed No. 2, and that the same be referred to the Committee on Education.

Also, from the consideration of proposed constitutional amendment, printed No. 24, and that the same be referred to the Committee on State Finances and Taxation.

Also, from the consideration of proposed constitutional amendment, printed No. 134, and that the same be referred to the Committee on Governor and State Officers.

Mr. President put the question on the said motion and reference, and it was determined in the affirmative, and said amendments were so referred.

Mr. Vedder, from the Committee on Powers and Duties of the Legislature, to which was referred the proposed constitutional amendment introduced by Mr. McDonough, introductory No. 286, entitled "Proposed constitutional amendment to amend article 3 of the Constitution, relating to the passage of laws," reported in favor of the passage of the same, with some amendments, which report was agreed to, and said proposed constitutional amendment committed to the Committee of the Whole, Mr. Dean dissenting.

Mr. Vedder, from the Committee on Powers and Duties of the Legislature, to which was referred the proposed constitutional amendment introduced by Mr. Dean, introductory No. 23, entitled "Proposed constitutional amendment to abolish all commissions, except those constituted of elective officers, and to inhibit the power of creating permanent commissions," reported in favor of the passage of the same, with some amendments, which report was agreed to, and said proposed constitutional amendment committed to the Committee of the Whole.

Mr. Vedder, from the Committee on Powers and Duties of the Legislature, to which was referred the proposed constitutional amendment introduced by Mr. H. A. Clark, introductory No. 351, entitled "Proposed constitutional amendment as to the powers and duties of the legislature, in forming and dividing counties, and to add a new section to article 3 of the Constitution," reported in favor of the passage of the same, which report was agreed to, and said proposed constitutional amendment committed to the Committee of the Whole.

Mr. Goodelle, from the Committee on Suffrage, to which was recommitted the proposed constitutional amendment introduced by Mr. Tucker, introductory No. 194, entitled "Proposed constitutional amendment to amend article 2 of the Constitution, so as to separately submit to the electors of this State the question of woman suffrage," reported the same, as amended, adversely, and the same was again placed on the calendar as a special order.

Mr. Goodelle, from the Committee on Suffrage, to which was referred the proposed constitutional amendment introduced by Mr. O'Brien, introductory No. 119, entitled "Proposed constitu-

tional amendment to amend section 3 of article 2 of the Constitution, as to the suffrage," reported in favor of the passage of the same, with some amendments, which report was agreed to, and said proposed constitutional amendment committed to the Committee of the Whole.

Mr. Goodelle, from the Committee on Suffrage, to which was referred the proposed constitutional amendment introduced by Mr. Roche, introductory No. 100, entitled "Proposed constitutional amendment to amend section 1 of article 2, prescribing the period of citizenship as a prerequisite to the right to vote," reported in favor of the passage of the same, with some amendments, which report was agreed to, and said proposed constitutional amendment committed to the Committee of the Whole.

Mr. Goodelle, from the Committee on Suffrage, to which was referred the proposed constitutional amendment introduced by Mr. Gilbert, introductory No. 8, entitled "Proposed constitutional amendment to amend article 2 of the Constitution, in relation to qualification of voters," reported in favor of the passage of the same, with some amendments, which report was agreed to and said proposed constitutional amendment committed to the Committee of the Whole.

Mr. Goodelle, from the Committee on Suffrage, to which was referred the proposed constitutional amendment introduced by Mr. Nichols, introductory No. 253, entitled "Proposed constitutional amendment to amend section 4 of article 2 of the Constitution, relating to registration of voters," reported in favor of the passage of the same, with some amendments, which report was agreed to and said proposed constitutional amendment committed to the Committee of the Whole.

Mr. President announced the following appointments to fill the vacancies on committees caused by the death of Mr. Van Denbergh: On Preamble and Bill of Rights, Mr. W. H. Steele, On Corporations, Mr. Lester.

Mr. President announced the special order, being the report of the Committee on State Prisons, in words following:

Mr. McDonough, from the Committee on State Prisons, to which was referred the proposed constitutional amendment introduced by Mr. Blake, introductory No. 201, entitled "Proposed constitutional amendment to amend section 5 of article 1 of the Constitution, providing for the abolition of the death penalty, as follows," reported adversely thereto.

Debate being had thereon.

Mr. President put the question on agreeing to the adverse report of the committee, and it was determined in the affirmative.

Ayes — Messrs. Abbott, Acker, Ackerly, Allaben, Alvord, Arnold, Baker, Banks, Barhite, Bowers, Brown, E. R.; Bush, Cassidy, Chipp, Jr., Clark, G. W.; Clark, H. A.; Cochran, Cookinham, Cornwell, Countryman, Crosby, Danforth, Davenport, Davis, G. A.; Deterling, Deyo, Doty, Emmet, Fields, Floyd, Foote, Fraser, Fuller, C. A.; Galinger, Giegerich, Gilbert, Hawley, Hedges, Hill, Hirschberg, M. H.; Holls, Hottenroth, Jacobs, Johnson, J.; Kellogg, Lauterbach, Lewis, C. H.; Lincoln, Lyon, Manley, Marks, Marshall, McClure, McCurdy, McDonough, McIntyre, McKinstry, McMillan, Mereness, Nichols, W. H.; Nicoll, De L.; Nostrand, O'Brien, Osborn, Parkhurst, Pashley, Peck, Platzek, Powell, Pratt, Putnam, Redman, Roche, Root, Rowley, Sandford, Steele, W. H.; Sullivan, T. A.; Tekulsky, Tibbetts, Vogt, Wellington, Wiggins, Williams, President — 85.

Noes — Messrs. Barnum, Barrow, Becker, Blake, Brown, E. A.; Burr, Campbell, Carter, Church, Coleman, Crimmins, Davies, J. C.; Dean, Dickey, Durfee, Durnin, Faber, Farrell, Forbès, Fuller, O. A.; Gibney, Gilleran, Green, J. I.; Hotchkiss, Jenks, Johnson, I. Sam; Kerwin, Kinkel, Kurth, Lewis, M. E.; Maybee, McLaughlin, J. W.; Meyenborg, Moore, Morton, Ohmeis, Parmenter, Peabody, Pool, Porter, Rogers, Speer, Springweiler, Storm, Sullivan, W.; Titus, Towns, Truax, C. S.; Tucker, Turner — 50.

Mr. Root, from the Committee on Judiciary, to which was referred the resolution introduced by Mr. McLaughlin, asking for information from the Board of Claims, reported in favor of the passage of the same, without amendment, in words following:

“Resolved, That the Attorney-General of this State be requested to furnish forthwith to this Convention a statement of the number of causes actually litigated and tried before the Board of Claims during the last five years, by years, together with a statement of the time when each cause was first put at issue, or the claim filed in said court, and the time when each was actually tried and disposed of, and the name and post-office address of the attorney for each claimant.”

Mr. President put the question on the adoption of said report, and it was determined in the affirmative.

Mr. Tucker presented a minority report from the Committee on Suffrage on proposed constitutional amendment No. 8, introduced by Mr. Gilbert, relative to the qualification of voters. (See Document No 48.)

On motion of Mr. Tucker, said report was ordered printed.

Mr. President announced the order of business, General Orders.

The Convention went in Committee of the Whole, and, after some time spent therein, Mr. I. S. Johnson, from said committee, reported as follows:

The Committee of the Whole have had under consideration the proposed constitutional amendment, printed No. 376, entitled "Proposed constitutional amendment to provide home rule for cities," reported progress in same, and asked leave to sit again.

Mr. President put the question on granting leave, and it was determined in the affirmative.

Mr. Cookinham moved that said proposed constitutional amendment, together with all amendments and the substitutes offered and proposed in the Committee of the Whole, be printed.

Mr. President put the question on said motion, and it was determined in the affirmative.

Mr. Alvord moved that said proposed constitutional amendment be made a special order for to-morrow morning, immediately after the reading of the Journal.

Mr. President put the question on said motion, and it was determined in the affirmative, two-thirds of all the Delegates voting in favor thereof.

On motion of Mr. M. E. Lewis, at 1.20, the Convention took a recess until eight o'clock.

EVENING SESSION.

Eight o'clock P. M.

The Convention again met.

Mr. President announced the special order, being the adverse report of the Committee on Suffrage, in words following:

Mr. Goodelle, from the Committee on Suffrage, to which was referred the proposed constitutional amendment introduced by Mr. Tucker, introductory No. 194, entitled "Proposed constitutional amendment to amend article 2 of the Constitution, so as to separately submit to the electors of this State the question of woman suffrage, reported adversely thereto.

Debate being had thereon, pending the question, on motion of Mr. Cookinham, at 10.05, the Convention adjourned.

Thursday, August 9, 1894.

The Convention met pursuant to adjournment.

Prayer by Rev. G. M. Heindel.

On motion of Mr. O'Brien, the reading of the Journal of Wednesday, August eighth, was dispensed with.

The last Record appearing upon the files of members to-day is of date August third.

By unanimous consent, Mr. McKinstry offered a resolution in words following:

"Resolved, That the Secretary request from the clerk of each county in the State answers to the following questions:

"1st. Has there been any defalcation by a county treasurer in your county during the last thirty years? If so, state the date and amount of such defalcation.

"2d. What portion of such defalcation did bondsmen make good?

"3d. How many times had the defaulting treasurer served?"

Referred to the Committee on County, Town and Village Officers.

By unanimous consent, Mr. C. B. McLaughlin, from the Committee on County, Town and Village Government, to which was referred several proposed constitutional amendments relating to sections 22 (being printed No. 341) and 23 (being printed No. 250)

of article 3, and section 9 (being printed Nos. 93 and 237), and 11 (being printed No. 237) of article 8; also section 22 of article 3 (being printed No. 55), and a proposed new section to article 8, to be known as section 12 of the Constitution (being printed No. 51), respectfully reports, that the committee has had under consideration, and has given to the several propositions referred to it careful consideration, and, as a result of its deliberations, report that, in its judgment, no changes should be made to the present Constitution, as contemplated in the several proposed constitutional amendments heretofore referred to it.

Mr. President put the question on the adoption of said report, and it was determined in the affirmative.

Mr. Crosby moved that the proposition of apportionment presented by Mr. E. R. Brown, in the Committee on Legislative Organization, be printed as a proposed amendment and placed upon the files of the members of the Convention.

Mr. President put the question on said motion, and it was determined in the affirmative.

Mr. President announced the Special Order, being the "Proposed constitutional amendment to provide home rule for cities," No. 376-403.

The Convention went in Committee of the Whole, and, after some time spent therein, Mr. I. S. Johnson, from said committee, reported as follows:

The Committee of the Whole have had under consideration the proposed constitutional amendment, printed No. 376, reprinted No. 403, entitled "To provide home rule for cities," reported progress in same, and asked leave to sit again.

Mr. President put the question on granting leave, and it was determined in the affirmative.

Mr. Hotchkiss moved that said proposed constitutional amendment be printed, together with all the amendments and the substitutes offered in Committee of the Whole, and it was determined in the affirmative.

Mr. Francis moved that said proposed amendment be made a special order for to-morrow morning at eleven o'clock.

Mr. Lewis moved to amend by making said proposed constitutional amendment a special order immediately after reading the Journal.

Mr. Holls moved, as a substitute, that said proposed amendment be placed on the Calendar at the head of General Orders.

Mr. President put the question on the motion of Mr. Holls, and it was determined in the affirmative.

Mr. Acker, from the Committee on Finance and Taxation, to which was referred the proposed constitutional amendment introduced by Mr. Cassidy, introductory No. 252, entitled "Proposed constitutional amendment to amend sections 1, 2, 3, 4 and 5 of article 7 of the Constitution, in relation to the canal debts and the maintenance of canals," reported in favor of the passage of the same without amendment.

Mr. Cady moved that said report lay upon the table instead of going upon General Orders.

Mr. President put the question on said motion, and it was determined in the affirmative.

Mr. McMillan offered a resolution in words following:

Resolved, That *General Order No. 1* (introductory No. 73), be recommitted to the *Committee of the Whole* for the purpose of amending, by adding after the word "passage," in line 5, page 1, the following words: "*And the time when said bill printed in its final form was placed upon the desks of the members shall be entered upon the journal of that day;*" so that said proposed constitutional amendment shall read as follows:

Section 15 of article 3 is hereby amended to read as follows:

No bill shall be passed or become a law unless it shall have been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage; and the time when said bill printed in its final form was placed upon the desks of the members shall be entered upon the journal of that day; unless the Governor, or the acting Governor, shall have certified to the necessity of its immediate passage, under his hand and the seal of the State, nor shall any bill be passed or become a law except by the assent of a majority of the members elected to each branch of the Legislature, and upon the last reading of a bill no amendment thereof shall be allowed, and the question upon its final passage shall be taken immediately thereafter and the yeas and nays entered on the Journal.

On motion of Mr. McMillan, said resolution was laid upon the table and ordered printed.

Mr. Vedder, from the Committee on Legislative Powers and Duties, to which was referred the constitutional amendment introduced by Mr. Barrow, introductory No. 81, entitled "Proposed constitutional amendment to amend section 9 of article 3 of the Constitution, in regard to two-thirds bills," reported adversely thereto.

Mr. Barrow moved that the consideration of said report be postponed until next Wednesday morning.

Mr. Dean moved to lay the report upon the table.

Mr. President put the question on the motion of Mr. Dean, and it was determined in the negative.

Mr. President put the question on the motion of Mr. Barrow, and it was determined in the affirmative.

Mr. President assigned George B. Munn as clerk to Select Committee on Forestry.

Mr. Barhite presented a memorial from the Rochester Chamber of Commerce, relative to discrimination in express rates.

Referred to Committee on Railroads.

Mr. Lester presented a memorial and petition of citizens of Saratoga, relative to the method of elections and caucus meetings.

Referred to the Committee on Suffrage.

By vote of the Convention, the following members were excused from attendance as follows: For to-day and to-morrow, J. I. Green; for to-morrow, Mr. Davis; for to-morrow and a part of next week, Mr. I. S. Johnson; for Tuesday next, Mr. Doty.

Mr. Mereness moved that the Convention now adjourn.

Mr. Moore moved to amend by striking out the words "now adjourn," and inserting in lieu thereof "take a recess until eight o'clock."

Mr. President put the question on the motion of Mr. Moore, and it was determined in the affirmative.

And at one o'clock the Convention took a recess.

EVENING SESSION.

Eight o'clock P. M.

The Convention again met.

Mr. President announced the Special Order, being the pending question on agreeing to the adverse report of the Committee on Suffrage on the proposed constitutional amendment, printed No. 195, "To amend article 2 of the Constitution, so as to separately submit to the electors of this State the question of woman suffrage."

Pending the question, Mr. Goodelle moved that the discussion of this question be closed on Tuesday evening next, and that a vote on the question of agreeing to the report of the committee be taken immediately thereafter.

Mr. President put the question on said motion, and it was determined in the affirmative.

By vote of the Convention, Mr. Kellogg was excused from attendance to-morrow.

Mr. Dean moved that the Convention do now adjourn.

Mr. President put the question on said motion, and it was determined in the negative.

Further debate being had.

On motion of Mr. Maybee, at 10.50, the Convention adjourned.

Friday, August 10, 1894.

The Convention met pursuant to adjournment.

Prayer by Rev. A. K. Duff.

On motion of Mr. O'Brien, the reading of the Journal of Thursday, August ninth, was dispensed with.

By vote of the Convention, the following members were excused from attendance: For Friday, Messrs. Lauterbach, Arnold, Vedder, Cornwell and Davies; for Tuesday and Wednesday next, Mr. Durfee; for next week, Messrs. Durnin and Chipp; for Friday and Tuesday next, Mr. Pool; for Thursday and Friday next, Mr. Bigelow.

Mr. Moore presented the memorial of the Flushing Village Association in reference to pool selling.

Referred to the Committee on Legislative Powers and Duties.

Mr. President presented a communication prepared by Edwin C. Rowley, containing statistics relative to the cost of printing the official ballots in the various counties of the State.

Mr. Rowley offered a resolution in words following:

Resolved, That 2,000 copies of the table of statistics submitted by Edwin C. Rowley be printed for the use of this Convention,

Mr. President put the question on said resolution, and it was determined in the affirmative.

Mr. Brown offered a resolution in words following:

Resolved, That after August fifteenth, sessions of the Convention shall be held every day in the week except Sunday; and that the sessions commence at 10 A. M. and at 3 o'clock and 8 o'clock P. M., except that no session be held on Saturday evening, until further ordered.

Referred to the Committee on Rules.

The Second Vice-President, Mr. W. H. Steele, in the chair.

Mr. Vedder, from the Committee on Powers and Duties of the Legislature, to which was referred the proposed constitutional amendment introduced by Mr. W. H. Steele, introductory No. 322, entitled "Proposed constitutional amendment to amend section 16 of article 3 of the Constitution, as to restrictions on private and local bills," reported in favor of the passage of the same, which report was agreed to, and said amendment was referred to the Committee of the Whole.

Mr. Vedder, from the Committee on Powers and Duties of the Legislature, to which was recommitted, retaining its place on General Orders, the proposed constitutional amendment introduced by Mr. Roche, introductory No. 99, entitled "Proposed constitutional amendment to amend article 3 by the addition of a new section prohibiting the Legislature or any division of the State, from granting pensions to any civil officers or employes, not, however, including existing police and fire department pension funds," reported in favor of the passage of the same, with some amendments, which report was agreed to, and said proposed constitutional amendment was restored to its place on General Orders.

Mr. Hawley, from the Committee on Corporations, reports an original proposed constitutional amendment, entitled "Proposed

constitutional amendment to amend article 8, section 1 of the Constitution, relating to corporations," and in favor of the passage of the same, which report was agreed to, and said proposed constitutional amendment was referred to the Committee of the Whole.

Mr. Goodelle, from the Committee on Suffrage, to which was recommitted the proposed constitutional amendment introduced by Mr. Hill, introductory No. 183, entitled "Proposed constitutional amendment to amend section 5 of article 2 of the Constitution, relating to the manner of elections," reported in favor of the passage of the same, without amendment, which report was agreed to, and said proposed constitutional amendment restored to its place on General Orders.

By unanimous consent, Mr. Foote offered a resolution in words following:

Resolved, That four additional members be added to the Committee on Revision and Engrossment.

Resolved, That such committee be authorized to have all engrossing done by typewriter.

Mr. President put the question on said resolutions, and they were determined in the affirmative.

Mr. E. R. Brown, from the Select Committee on Further Amendments to the Constitution, to which was referred the proposed constitutional amendment introduced by Mr. A. H. Green, introductory No. 374, entitled "Proposed constitutional amendment to amend article 8 of the Constitution, in relation to the reports of public officers," reported that the same has been found to refer to a subject already under consideration by the Committee on State Finances and Taxation, and has, therefore, been transmitted, without printing, directly to said committee for its information, under Rule 73.

Mr. Francis, from the Committee on Preamble and Bill of Rights, offered a resolution in words following:

Resolved, That the Committee on Preamble and Bill of Rights be discharged from the further consideration of bill No. 377, introduced by Mr. Church, and that it be referred to some appropriate committee.

Mr. President put the question on said resolution, and it was determined in the affirmative, and said proposed constitutional

amendment was referred to the Committee on Industrial Interests.

Mr. Root, from the Committee on Rules, reported a resolution in words following:

Resolved, That after August fifteenth sessions of the Convention shall be held every day in the week, except Sunday, and that the sessions be held from 10 A. M. till 1 P. M.; from 3 P. M. to 5 P. M., and from 8 to 10 P. M., unless otherwise specially ordered by the Convention; except that no session shall be held on Saturday evening.

Mr. Cochran moved to amend as follows:

"So that no session shall be held on Friday of each week after the afternoon session, and then, at that time, there shall be an adjournment until three P. M. on Mondays."

Debate being had thereon.

Mr. Root moved the previous question.

Mr. President put the question on the motion of Mr. Root, and it was determined in the affirmative.

Mr. President put the question on the amendment offered by Mr. Cochran, and it was determined in the negative.

Ayes — Messrs. Blake, Chipp, Jr.; Deady, Faber, Fields, Gibney, Giegerich, Herzberg, A.; Hotchkiss, Jenks, Kerwin, Maybee, Meyenborg, Parmenter, Peabody, Roche, Rowley, Schumaker—18.

Noes — Messrs. Abbott, Acker, Ackerly, Allaben, Alyord, Baker, Banks, Barhite, Barnum, Barrow, Becker, Bigelow, Bowers, Brown, E. A.; Brown, E. R.; Burr, Cady, Carter, Cassidy, Church, Clark, G. W.; Clark, H. A.; Cochran, Coleman, Cookinham, Countryman, Crosby, Danforth, Davenport, Dean, Deterling, Deyo, Dickey, Doty, Durfee, Durnin, Emmet, Floyd, Foote, Forbes, Francis, Frank, Andrew; Frank, Augustus; Fraser, Fuller, C. A.; Fuller, O. A.; Galinger, Gilbert, Gilleran, Goeller, Green, A. H.; Griswold, Hamlin, Hawley, Hecker, Hedges, Hill, Hirschberg, M. H.; Holcomb, Holls, Hottenroth, Jacobs, Johnson, J.; Kinkel, Lester, Lincoln, Lyon, Manley, Mantanye, Marks, Marshall, McClure, McDonough, McIntyre, McKinstry, McLaughlin, C. B.; McLaughlin, J. W.; Mereness, Moore, Morton, Mulqueen, Nichols, W. H.; Nicoll, De L.; O'Brien, Ohmeis, Osborn, Parker, Park-

hurst, Pashley, Phipps, Platzek, Powell, Pratt, Putnam, Rogers, Root, Sandford, Spencer, Springweiler, Steele, A. B.; Steele, W. H.; Sullivan, T. A.; Tekulsky, Tibbetts, Titus, Truax, C. S.; Tucker, Vogt, Wellington, Whitmyer, Wiggins, Williams, Woodward, President — 114.

Mr. Bowers desired to offer an amendment to the resolution offered by the Committee on Rules.

Mr. President ruled that the previous question having been ordered, no amendment was in order.

Mr. Bowers appealed from the decision of the Chair.

Mr. President put the question "Shall the decision of the Chair stand as the judgment of the Convention?" and it was determined in the affirmative.

Mr. President then put the question on the adoption of the resolution as reported by the Committee on Rules, and it was determined in the affirmative.

Ayes — Messrs. Abbott, Acker, Ackerly, Allaben, Alvord, Baker, Banks, Barhite, Barnum, Barrow, Becker, Bigelow, Blake, Bowers, Brown, E. A.; Brown, E. R.; Burr, Cady, Campbell, Carter, Cassidy, Church, Clark, G. W.; Clark, H. A.; Cochran, Coleman, Cookinham, Danforth, Davenport, Deady, Dean, Deterling, Deyo, Dickey, Doty, Durfee, Durnin, Emmet, Faber, Fields, Floyd, Foote, Francis, Frank, Andrew; Frank, Augustus; Fraser, Fuller, C. A.; Fuller, O. A.; Galinger, Gibney, Gilbert, Gilleran, Goeller, Green, A. H.; Griswold, Hamlin, Hawley, Hedges, Herzberg, A.; Hill, Hirschberg, M. H.; Holcomb, Holls, Hotchkiss, Hottenroth, Jacobs, Kerwin, Kinkel, Lester, Lewis, C. H.; Lewis, M. E.; Lincoln, Lyon, Manley, Mantanye, Marks, Marshall, McArthur, McClure, McDonough, McIntyre, McKinstry, McLaughlin, C. B.; McLaughlin, J. W.; Mereness, Moore, Morton, Nichols, W. H.; Nicoll, De L.; Nostrand, O'Brien, Osborn, Parker, Parkhurst, Pashley, Phipps, Platzek, Porter, Powell, Pratt, Putnam, Rogers, Root, Rowley, Sandford, Schumaker, Smith, Spencer, Springweiler, Steele, A. B.; Steele, W. H.; Sullivan, T. A.; Tekulsky, Tibbetts, Titus, Towns, Truax, C. S.; Tucker, Vogt, Whitmyer, Wiggins, Williams, Woodward, President — 124.

Noes — 0.

Mr. President in the chair.

Mr. Burr offered a resolution in words following:

Resolved, That the chairman of each committee report on the sixteenth of August as to the condition of the business before it, and be requested to finally report upon the business before such committee on or before the twenty-first.

Mr. Hirschberg moved to amend by striking out "twenty-first," and inserting in lieu thereof, "eighteenth."

Mr. President put the question on the motion of Mr. Hirschberg, and it was determined in the negative.

Mr. Alvord moved to lay said resolution on the table.

Mr. President put the question on the motion of Mr. Alvord, and it was determined in the negative.

Mr. President put the question on the resolution offered by Mr. Burr, and it was determined in the affirmative.

Mr. M. E. Lewis moved that the consideration of General Order No. 13, "To provide home rule for cities," be made a special order for next Tuesday morning, immediately after the reading of the Journal.

Mr. President put the question on the motion of Mr. Lewis, and it was determined in the negative, two-thirds of all the Delegates not voting in favor thereof.

Mr. Holcomb moved that the Convention now adjourn, and it was determined in the negative.

Mr. President announced the following members as additional members of the Committee on Revision and Engrossment: Mr. Bowers, Mr. Durfee, Mr. Deyo, Mr. O'Brien.

The Convention went into Committee of the Whole, and, after some time spent therein, Mr. Lincoln, from said committee, reported:

The Committee of the Whole have had under consideration the proposed constitutional amendment reprinted as No. 405, entitled "To provide home rule for cities," have made some progress in the same, but finding no quorum present reports that fact to the Convention.

Mr. President directed the Secretary to call the roll to ascertain whether a quorum was present, when the following delegates answered to the call of their names:

Messrs. Abbott, Acker, Ackerly, Alvord, Banks, Barrow, Becker, Blake, Bowers, Brown, E. R.; Burr, Cady, Cassidy, Chipp, Jr.; Clark, H. A.; Cochran, Countryman, Crosby, Davenport, Deady, Dean, Deterling, Dickey, Doty, Durfee, Durnin, Emmet, Faber, Floyd, Foote, Francis, Frank, Andrew; Frank, Augustus; Fraser, Galinger, Gibney, Giegerich, Gilbert, Gilleran, Goeller, Hamlin, Hawley, Hecker, Hedges, Holcomb, Holls, Hotchkiss, Johnson, J.; Kerwin, Kimmey, Kinkel, Kurth, Lester, Lewis, M. E.; Lincoln, Lyon, Manley, Mantanye, Marks, Marshall, Maybee, McArthur, McClure, McDonough, McIntyre, McKinstry, McMillan, Mereness, Moore, Mulqueen, Nicoll, De L.; Nostrand, O'Brien, Ohmeis, Osborn, Parker, Parkhurst, Pashley, Peabody, Peck, Phipps, Platzek, Powell, Putnam, Rogers, Root, Sandford, Smith, Steele, A. B.; Steele, W. H.; Sullivan, T. A.; Sullian, W.; Tekulsky, Titus, Truax, C. S.; Vedder, Vogt, Whitmyer, Wiggins, Woodward, President.

A quorum being present, the Convention again went in Committee of the Whole, and, after some time spent therein, Mr. Lincoln, from said committee, reported:

The Committee of the Whole have had under consideration the proposed constitutional amendment reprinted as No. 405, entitled "To provide home rule for cities," reported progress in same, and asked leave to sit again.

Mr. President put the question on granting leave, and it was decided in the affirmative.

Mr. M. E. Lewis moved that said proposed amendment, General Order No. 13, be made a special order for next Tuesday.

Pending the question.

On motion of Mr. M. E. Lewis, at 12.40, the Convention adjourned.

Tuesday, August 14, 1894.

The Convention met pursuant to adjournment.

Prayer by Rev. A. T. Johnson.

On motion of Mr. Acker, the reading of the Journal of Friday, August tenth, was dispensed with.

The last Record appearing upon the files of members to-day is of date August ninth.

By vote of the Convention, the following members were excused from attendance: For to-day, Mr. Manley, C. H. Truax; for to-day and to-morrow, Mr. J. I. Green.

Mr. Chipp, with the permission of the Convention, withdrew his request of Friday last to be excused from attendance during the present week.

Mr. President stated the pending question, at the time of adjournment on Friday last, was the consideration in Committee of the Whole of the proposed constitutional amendment (reprinted No. 409), "To provide home rule for cities," the Committee of the Whole having arisen for the purpose of adjournment of the Convention.

The Convention then went into Committee of the Whole, and, after some time spent therein, Mr. Lincoln, from said committee, reported:

The Committee of the Whole have had under consideration the proposed constitutional amendment, reprinted No. 409, entitled "To provide home rule for cities," reported progress in same, and asked leave to sit again.

Mr. President put the question on granting leave, and it was determined in the affirmative.

Mr. Mulqueen moved that said proposed constitutional amendment, together with the proposed amendments and substitutes offered in Committee of the Whole, be printed.

Mr. President put the question on said motion, and it was determined in the affirmative.

Mr. President presented a communication from the Department of Taxes and Assessments, of New York city, in response to the

resolution of Mr. I. S. Johnson, relative to trust companies in the city of New York.

On motion of Mr. Doty the same was ordered printed and laid upon the files of members.

On motion of Mr. Root, at 1.35, the Convention took a recess until eight o'clock.

EVENING SESSION.

Eight o'clock P. M.

The Convention again met.

Mr. President announced the Special Order, being the question on the adverse report of the Committee on Suffrage on the "Proposed constitutional amendment to amend article 2 of the Constitution, so as to separately submit to the electors of this State the question of woman suffrage," printed No. 195, introductory No. 194.

Mr. Lauterbach presented petitions from New York, Erie, Cayuga, Monroe and Washington counties in favor of female suffrage, which were ordered placed in the archives of the Convention.

After extended debate being had thereon, Mr. Acker in the chair, Mr. Alvord moved that the Convention now adjourn.

Mr. President put the question on said motion, and it was determined in the affirmative.

And, at 11.37, the Convention adjourned.

Wednesday, August 15, 1894.

The Convention met pursuant to adjournment.

Prayer by Rev. W. N. P. Dailey.

On motion of Mr. A. H. Green, the reading of the Journal of Tuesday, August fourteenth, was dispensed with.

Mr. Dean presented a memorial from a State Grange.

Referred to the Committee on State Finances.

Mr. Doty presented a memorial from citizens of Livingston county relative to a civil damage provision in the Constitution.

Referred to the Committee on Powers and Duties of the Legislature.

Mr. Augustus Frank presented a memorial on the same subject.

Referred to the Committee on Powers and Duties of the Legislature.

Mr. Francis presented a petition relative to caucuses.

Referred to the Committee on Powers and Duties of the Legislature.

By vote of the Convention, the following persons were excused from attendance: For to-day, Messrs. Barnum, Platzek; for Thursday, Mr. Goeller; for Thursday and Friday, Mr. Herzberg and Mr. E. R. Brown; for Friday and Saturday, Mr. Cornwell; for Saturday, Mr. Dickey and Mr. Carter; for Saturday and Monday, Mr. Tibbetts.

378.—By unanimous consent, Mr. Manley presented a proposed amendment to the Constitution to prohibit the use of land for cemetery purposes without the consent of the local authorities.

Referred to the Select Committee.

379.—By unanimous consent, Mr. A. H. Green presented a proposed amendment to the Constitution to abolish the office of Loan Commissioner.

Referred to the Select Committee.

Mr. J. Johnson moved that General Order No. 13, reprinted No. 410, "To provide home rule for cities," be recommitted, together with all amendments and substitutes offered and pro-

posed, to the Committee on Cities, with instructions to report anew, retaining its place on General Orders.

Mr. President put the question on said motion, and it was determined in the affirmative.

Mr. A. H. Green moved that the special report on land titles, General Order No. 5, be recommitted to the Special Committee on that subject, retaining its place on General Orders.

Mr. President put the question on said motion, and it was determined in the affirmative.

Mr. Acker offered a resolution in words following:

Resolved, That the proposition introduced by Andrew H. Green, and reported by the Select Committee on Further Amendments, and referred to the Committee on State Finance and Taxation, entitled "A proposition relating to moneys collected for the State, cities, counties, towns, villages and school districts," be printed.

Mr. President put the question on said resolution, and it was determined in the affirmative.

Mr. Doty offered a resolution in words following:

Resolved, That the Secretary transmit to each county clerk and clerk of the board of supervisors of each county, a copy of Document No. 50, relating to cost of printing official ballots.

Mr. President put the question on said resolution, and it was determined in the affirmative.

Mr. Cookinham offered a resolution in words following:

Resolved, That the Committee on Rules be directed to report a rule fixing a limit on debate on the proposed amendment introduced by Mr. Tucker, and reported adversely by the Committee on Suffrage.

Mr. President put the question on said resolution, and it was determined in the affirmative.

The Second Vice-President, Mr. W. H. Steele, in the chair.

Mr. Jacobs offered a preamble and resolution in words following:

Whereas, The delegates to this Convention from the Sixth Senatorial district, were unjustly deprived of their seats and pre-

vented from taking any part in the deliberations of this body, during the period from May 8, 1894, to August 2, 1894; and,

Whereas, The said delegates have made demand upon the proper disbursing officer of this Convention, for their mileage and per diem allowance, as provided by law for said period, which demand has been refused; now, therefore, be it

Resolved, That the said delegates from the Sixth Senatorial district, are entitled to the mileage provided by law, and to the per diem allowance of ten dollars, for every day during the period from May 8, 1894, to and including August 2, 1894, and that the President of this Convention be, and hereby is, requested to certify the amount thereof to the State Comptroller for payment.

Debate being had thereon, it was tabled under the rule.

Mr. Goodelle moved that the Special Order for last evening, being the adverse report of the Committee on Suffrage, introductory No. 194, relating to woman suffrage, be the Special Order for this evening.

Mr. President put the question on said motion, and it was determined in the affirmative, two-thirds of all the Delegates voting in favor thereof.

Mr. Francis, from the Committee on Preamble and Bill of Rights, made the following report:

All proposed constitutional amendments referred to the Committee on Preamble and Bill of Rights have been reported except the proposed amendment of Mr. Tekulsky, printed No. 232, relating to divorces and lotteries, which is withheld by the committee for the purpose of considering amendments thereto now pending in the committee.

August 15, 1894.

J. M. FRANCIS,
Chairman.

Mr. Francis, from the Committee on Preamble and Bill of Rights, to which was referred the proposed constitutional amendment, introduced by Mr. Goodelle, introductory No. 261, entitled "Proposed constitutional amendment to amend section 6 of article 1 of the Constitution, providing that in all criminal prosecutions the party accused shall be confronted with the witnesses against him," reported in favor of the passage of the same, which

report was agreed to, and said proposed constitutional amendment committed to the Committee of the Whole.

Mr. Francis, from the Committee on Preamble and Bill of Rights, to which was referred the proposed constitutional amendment introduced by Mr. Francis, introductory No. 211, entitled "Proposed constitutional amendment to amend section 3 of article 1 of the Preamble and Bill of Rights, in regard to 'religious liberty,'" reported in favor of the passage of the same, with some amendments, which report was agreed to, and said proposed constitutional amendment committed to the Committee of the Whole.

Mr. Francis, from the Committee on Preamble and Bill of Rights, introduced a proposed constitutional amendment, entitled "To amend article 1, section 6, relative to persons answering for capital and other infamous crime," introductory No. 380, printed No. 414, which was read and referred to the Committee of the Whole.

Mr. Francis, from the Committee on Preamble and Bill of Rights, introduced a proposed constitutional amendment "To amend article 2, section 17 of the Constitution," which was read and referred to the Committee of the Whole.

Mr. Francis, from the Committee on Preamble and Bill of Rights, to which was referred the proposed constitutional amendment introduced by Mr. Roche, introductory No. 177, entitled "Proposed constitutional amendment to amend the Constitution relative to the distribution of the powers of government," reported in favor of the passage of the same, with some amendments, which report was agreed to, and said proposed constitutional amendment committed to the Committee of the Whole.

Mr. Francis, from the Committee on Preamble and Bill of Rights, to which was referred the proposed constitutional amendment introduced by Mr. Parker, introductory No. 327, entitled "Proposed constitutional amendment to amend section 7 of article 1 of the Constitution, so as to include therein the right to construct and maintain necessary drains and ditches for agricultural purposes across the lands of others," reported in favor of the passage of the same, which report was agreed to, and said proposed constitutional amendment committed to the Committee of the Whole.

Mr. Vedder, from the Committee on Powers and Duties of the Legislature, to which was recommitted the proposed constitu-

tional amendment introduced by Mr. McMillan, introductory No. 11, General Order No. 3, entitled "Proposed constitutional amendment to amend section 16 of article 3 of the Constitution of the State of New York, relating to legislation," reported in favor of the passage of the same, with some amendments, which report was agreed to, and said proposed constitutional amendment was restored to its place on General Orders.

Mr. Vedder, from the Committee on Powers and Duties of the Legislature, to which was referred the proposed constitutional amendment introduced by Mr. Nichols, introductory No. 352, entitled "Proposed constitutional amendment to add a new article regarding soldiers and sailors' homes of the State of New York," reported in favor of the passage of the same, with some amendments, which report was agreed to, and said proposed constitutional amendment committed to the Committee of the Whole.

Mr. Dean dissented from said report.

Mr. Vedder, from the Committee on Powers and Duties of the Legislature, to which was referred the proposed constitutional amendment introduced by Mr. Foote, introductory No. 325, entitled "Proposed constitutional amendment to amend section 7 of article 1, to authorize the Legislature to provide for the construction of dams and reservoirs for the improvement of water powers and to assess the expense thereof upon the property benefited," reported in favor of the passage of the same, with some amendments, which report was agreed to, and said proposed constitutional amendment committed to the Committee of the Whole.

Mr. Vedder dissented from said report.

Mr. Hawley, from the Committee on Corporations, presented the minority report of said committee on proposed constitutional amendment No. 395, introductory No. 375, entitled "Proposed constitutional amendment as to trusts or combinations," which same was ordered printed.

Mr. Gilbert, from the Committee on Industrial Interests, to which was referred the proposed constitutional amendment introduced by Mr. Gilbert, introductory No. 321, entitled "Proposed constitutional amendment to amend article 3 of the Constitution, by providing for the establishment of boards of

arbitration," reported in favor of the passage of the same, with some amendments, which report was agreed to, and said proposed constitutional amendment committed to the Committee of the Whole.

Mr. Hawley moved that the chairmen of the several committees be requested to report, verbally, to-morrow morning, the state of business before their committees.

Mr. President put the question on said motion, and it was determined in the affirmative.

Mr. A. H. Green, from the Special Committee on Transfer of Land Titles, to which was recommitted the report of said committee on said subject, General Order No. 5, retaining its place on General Orders, reported the same in the form of a "Proposed constitutional amendment," which report was agreed to, and said proposed constitutional amendment was read and restored to its place in General Orders.

Mr. President announced the Special Order, being the adverse report of the Committee on Legislative Powers and Duties, in words following:

Mr. Vedder, from the Committee on Legislative Powers and Duties, to which was referred the proposed constitutional amendment introduced by Mr. Barrow, introductory No. 81, entitled "Proposed constitutional amendment to amend section 9, article 3 of the Constitution, in regard to two-thirds bills," reported adversely thereto.

Mr. Goodelle moved that the consideration of said subject be postponed until Wednesday morning, August twenty-second.

Mr. President put the question on said motion, and it was determined in the affirmative, two-thirds of all the Delegates voting in favor thereof.

Mr. Root, from the Committee on Judiciary, reported in writing, and by "Proposed constitutional amendment to amend article 6 of the Constitution, relating to the judiciary," introductory No. 383, printed No. 422, which amendment was read and referred to the Committee of the Whole, and on motion of Mr. Durfee, the accompanying written report was ordered printed.

Mr. Vedder moved that 5,000 extra copies of said report be printed for the use of the Convention.

On motion of Mr. Hamlin, and by unanimous consent, said motion to print was considered, without being referred to the Committee on Printing, and it was granted.

Mr. McMillan, from the Committee on Rules, reported as follows, in relation to the consideration of the adverse report of the Committee on Suffrage, relating to woman suffrage:

Resolved, That the limit on debate shall be three hours. The Convention shall set from three to five o'clock this day, and again at eight P. M. The time from three to three thirty shall be given to those sustaining the adverse report. The time from three thirty to five, shall be given to those opposing the report, and the time from eight to nine, shall be given to those sustaining the report. And that the vote be taken at nine P. M.

Mr. McClure moved to amend by striking out that portion of the resolution relating to holding an afternoon session; that the evening session commence at seven o'clock; that the same allotment of time, from seven o'clock, be carried out, and the final vote be taken at ten o'clock, and that the subject be made a Special Order for seven o'clock.

Mr. Dean moved the previous question.

Mr. President put the question on the motion of Mr. Dean, and it was determined in the affirmative.

Mr. President put the question on the motion of Mr. McClure, and it was determined in the affirmative.

Mr. President put the question on the adoption of the resolution, as amended, and it was determined in the affirmative, two-thirds of all the members elected voting in favor thereof.

Mr. Vedder, from the Committee on Powers and Duties of the Legislature, to which was referred the proposed constitutional amendment introduced by Mr. Arnold, introductory No. 115, entitled "Proposed constitutional amendment to amend article 3, section 18, by requiring all private and local bills to be printed in the locality affected thereby," reported adversely thereto.

Messrs. Roche and Dean dissented from said report.

Debate being had thereon, Mr. Choate moved the previous question.

Mr. President put the question on said motion, and it was determined in the affirmative.

Mr. President put the question on the adoption of the report of the committee, and it was determined in the negative.

And said proposed constitutional amendment was referred to the Committee of the Whole.

Mr. President announced the General Orders.

The Convention went into Committee of the Whole, and, after some time spent therein, Mr. Acker, from said committee, reported:

The Committee of the Whole have had under consideration the proposed constitutional amendment, printed No. 382, entitled "Proposed constitutional amendment to amend section 10 of article 3 of the Constitution," have gone through with the same, have made an amendment thereto, and instructed the chairman to report the same to the Convention, and recommend its passage.

Mr. President put the question on the adoption of said report, and it was determined in the affirmative, and said amendment was referred to the Committee on Revision and Engrossment.

On motion of Mr. Mantanye, at 1 o'clock, the Convention took a recess until 7 o'clock P. M.

EVENING SESSION.

Seven o'clock P. M.

The Convention again met.

Mr. President announced the Special Order, being the question on agreeing to the adverse report of the Committee on Suffrage, on the proposed constitutional amendment introduced by Mr. Tucker, introductory No. 194, printed No. 195, "To amend article 2 of the Constitution, so as to separately submit to the electors of this State the question of woman suffrage."

Extended debate being had thereon, and the hour of ten o'clock having arrived, pursuant to the order of the Convention, Mr. President put the question on agreeing to the adverse report of the Committee on Suffrage, and it was determined in the affirmative.

Ayes — Messrs. Acker, Allaben, Alvord, Baker, Banks, Barnum, Barrow, Becker, Bowers, Brown, E. A.; Brown, E. R.; Burr, Cady, Clark, G. W.; Clark, H. A.; Cochran, Cookinham, Danforth,

Davenport, Davies, J. C.; Davis, G. A.; Deady, Deterling, Deyo, Doty, Durfee, Emmet, Farrell, Foote, Forbes, Francis, Frank, Andrew; Fuller, C. A.; Galinger, Gibney, Giegerich, Goeller, Goodelle, Green, A. H.; Griswold, Hamlin, Hawley, Hecker, Hill, Hirschberg, M. H.; Holls, Hotchkiss, Hottenroth, Jacobs, Johnson, J.; Johnston, R. M.; Kellogg, Kimmey, Kinkel, Kurth, Lester, Lewis, C. H.; Lewis, M. E.; Lyon, Mantanye, Marks, Marshall, McCurdy, McIntyre, McLaughlin, C. B.; McMillan, Mereness, Meyenborg, Nichols, Nicoll, De L.; Nostrand, O'Brien, Ohmcis, Parkhurst, Parmenter, Pashley, Peabody, Peck, Platzek, Porter, Pratt, Putnam, Root, Spencer, Steele, A. B.; Steele, W. H.; Storm, Sullivan, T. A.; Tekulsky, Truax, C. H.; Turner, Vogt, Wellington, Whitmyer, Wiggins, Williams, Woodward, President — 98.

Noes — Messrs. Abbott, Ackerly, Arnold, Barhite, Blake, Campbell, Carter, Cassidy, Chipp, Jr.; Church, Coleman, Cornwell, Countryman, Crosby, Dean, Dickey, Durnin, Fields, Floyd, Frank, Augustus; Fraser, Gilbert, Gilleran, Hedges, Holcomb, Jenks, Kerwin, Lauterbach, Lincoln, Manley, Maybee, McArthur, McDonough, McKinstry, McLaughlin, J. W.; Moore, Morton, Mulqueen, Osborn, Parker, Phipps, Pool, Powell, Redman, Roche, Rowley, Sardford, Schumaker, Smith, Speer, Springweiler, Sullivan, W.; Tibbetts, Titus, Towns, Tucker, Vedder, Veeder — 58.

When the name of Mr. C. S. Truax was called, he stated that he was paired with Mr. McClure, otherwise he would have voted in the negative.

When the name of Mr. O. A. Fuller was called, he stated that he was paired with Mr. I. S. Johnson, otherwise he would have voted in the affirmative.

When the name of Mr. Rogers was called, he stated that he was paired with Mr. Bigelow, otherwise he would have voted in the affirmative.

On motion of Mr. Cookinham, at 11.24, the Convention adjourned.

Thursday, August 16, 1894.

The Convention met pursuant to adjournment.

Prayer by Rev. M. Schlesinger.

On motion of Mr. O'Brien, the reading of the Journal of Wednesday, August fifteenth, was dispensed with.

The last Record appearing to-day upon the files of members is of date August tenth.

By vote of the Convention the following members were excused from attendance as follows: For Thursday, Mr. Acker, Mr. Kerwin; for Friday, Mr. Lester; for Saturday, Messrs. M. E. Lewis, Jenks, Arnold, Griswold, Wiggins, Peck, Goodelle for Friday and Saturday, Mr. Hottenroth, Mr. Kimmey, Mr. Lauterbach; for Saturday and Monday, Messrs. Deyo, Porter, Deady, Forbes, Mantanye, Springweiler; for Monday and Tuesday, Mr. Abbott; for Monday, Messrs. H. A. Clark, Mulqueen, McClure, A. B. Steele; until next Tuesday, Messrs. Jenks, Pool, A. H. Green; for Thursday, Friday and Saturday, Mr. C. S. Truax; until Wednesday, Mr. Farrell.

Mr. Parmenter, from the Committee on Judiciary, presented a minority report of that committee on the judiciary article, which was ordered printed.

Mr. Parkhurst, from the Committee on County, Town and Village Officers, reported the resolution referred to it introduced by Mr. McKinstry, and recommend its adoption in words following :

Resolved, That the Secretary request from the clerk of each county in the State answers to the following questions :

First. Has there been any defalcation by a county treasurer in your county during the last thirty years? If so, state the date and amount of such defalcation.

Second. What portion of such defalcation did bondsmen make good?

Third. How many terms had the defaulting treasurer served?

Mr. President put the question on the adoption of said report, and it was determined in the affirmative.

Mr. Gilbert offered a resolution in words following :

Resolved, That the Committee on Industrial Interests be discharged from the further consideration of proposed amendment,

introductory No. 95, entitled "Proposed constitutional amendment to amend article 8 of the Constitution, by adding a new section prohibiting monopolies and trusts," on the ground that the Committee on Corporations and Institutions not otherwise specified in the rules, have reported a proposed amendment covering the same subject matter, as appears from General Order No. 27.

Mr. Francis, from the Committee on Preamble and Bill of Rights, introduced a proposed amendment "To amend section 10, article 1 of the Constitution, in relation to the suppression of gambling," which was read and referred to the Committee of the Whole.

By unanimous consent, Mr. McKinstry offered a resolution in words following :

Resolved, That 3,500 extra copies of the debates of Wednesday evening, August eighth, Thursday evening, August ninth, Tuesday evening, August fourteenth, and Wednesday evening, August fifteenth, be printed for the use of members of the Convention.

Referred to the Committee on Printing.

Mr. President announced the General Orders.

The Convention went into Committee of the Whole, and, after some time spent therein, Mr. Bush, from said committee, reported in words following:

The Committee of the Whole have had under consideration the proposed constitutional amendment, printed No. 364, entitled "To amend section 7 of article 7, relating to Salt Springs," have gone through with the same, have made some amendments thereto, and instructed the chairman to report the same to the Convention, and recommend its passage.

Mr. President put the question on the adoption of said report, and it was determined in the affirmative.

And said amendment was referred to the Committee on Revision and Engrossment.

Messrs. Dean and Moore desired to be recorded as voting in the negative on the question of ordering said amendment to a third reading.

The Convention went into Committee of the Whole, and, after some time spent therein Mr. Moore, from said committee, reported in words following :

The Committee of the Whole have had under consideration the proposed constitutional amendment, printed No. 418, entitled "To amend article 3 of the Constitution of the State of New York, relating to legislation," have gone through with the same, have made some amendments thereto, and instructed the chairman to report the same to the Convention, and recommend its passage.

Mr. President put the question on the adoption of said report, and it was determined in the affirmative.

And said amendment was referred to the Committee on Revision and Engrossment.

Mr. Vedder offered a resolution in words following :

Resolved, That 5,000 copies of the minority report of the Judiciary Committee on the judiciary article, be printed for the use of the Convention.

Referred to the Committee on Printing.

The Convention went into Committee of the Whole, and, after some time spent therein, the hour of one o'clock having arrived, Mr. President resumed the chair and declared the Convention in recess until three o'clock.

AFTERNOON SESSION.

Three o'clock P. M.

The Convention again met, Mr. Alvord, First Vice-President, in the chair, and proceeded in Committee of the Whole, and, after some time spent therein, Mr. C. B. McLaughlin, from said committee, reported in words following :

The Committee of the Whole have had under consideration the proposed constitutional amendment, printed No. 380, entitled "To amend article 1 of the Constitution, as to damages for the loss of human life," have made some progress in the same, but not having gone through therewith and finding no quorum present, instructed the chairman to report that fact to the Convention.

Mr. President directed the Secretary to call the roll, to ascertain if a quorum was present, when the following delegates answered to the call of their names:

Messrs. Abbott, Ackerly, Alvord, Arnold, Banks, Barrow, Becker, Bowers, Burr, Bush, Campbell, Carter, Cassidy, Clark, G. W.; Clark, H. A.; Cochran, Coleman, Deady, Dean, Deterling, Deyo, Dickey, Doty, Durfee, Durnin, Floyd, Foote, Frank, Andrew; Frank, Augustus; Fuller, C. A.; Galinger, Giegerich, Gilbert, Gilleran, Goodelle, Hamlin, Hawley, Hecker, Hedges, Hill, Hirschberg, M. H.; Holls, Johnson, J.; Kellogg, Kimmey, Kinkel, Kurth, Lauterbach, Lester, Lewis, M. E.; Lincoln, Mantanye, Marks, Marshall, Maybee, McArthur, McClure, McCurdy, McDonough, McIntyre, McKinstry, McLaughlin, C. B.; McMillan, Mereness, Meyenborg, Moore, Morton, Nichols, W. H.; Nicoll, De L.; Norstrand, O'Brien, Osborn, Parker, Parmenter, Peabody, Phipps, Pool, Porter, Pratt, Putnam, Redman, Roche, Rogers, Root, Sandford, Schumaker, Steele, A. B.; Steele, W. H.; Storm, Tekulsky, Tibbetts, Titus, Towns, Truax, C. H.; Truax, C. S.; Tucker, Turner, Veeder, Vogt, Wellington, Wiggins, Williams, Woodward, President.

On motion of Mr. Dean, further calling of the roll was dispensed with.

A quorum being found to be present, the Convention again proceeded in Committee of the Whole, and, after some time spent therein, Mr. C. B. McLaughlin, from said committee, reported in words following :

The Committee of the Whole have had under consideration the proposed constitutional amendment, printed No. 380, entitled "To amend article 1 of the Constitution, as to damages for the loss of human life," have gone through with the same, have made an amendment thereto, and instructed the chairman to report the same to the Convention, and recommend its passage.

Mr. President put the question on the adoption of said report, and it was determined in the affirmative.

And said amendment was referred to the Committee on Revision and Engrossment.

The Convention again proceeded in Committee of the Whole, and after some time spent therein, the hour of five o'clock having arrived, Mr. President resumed the chair and declared the Convention in recess until eight o'clock.

EVENING SESSION.

Eight o'clock, P. M.

The Convention again met and proceeded in Committee of the Whole, and, after some time spent therein, Mr. Durfee, from said committee, reported in words following :

The Committee of the Whole have had under consideration the proposed constitutional amendment, printed No. 385, entitled "To amend section 7 of article 1 of the Constitution, relating to the taking of private property for public use," have made some progress in same, but not having gone through therewith, have instructed the chairman to report that fact to the Convention, and ask leave to sit again.

The question being on granting leave to sit again.

Mr. President put the question on granting leave, and it was determined in the negative.

Ayes — Messrs. Arnold, Barrow, Blake, Bowers, Campbell, Carter, Cassidy, Coleman, Cornwell, Davenport, Dean, Deyo, Dickey, Durfee, Fitzgerald, Forbes, Galinger, Gibney, Giegerich, Gilleran, Green, A. H.; Green, J. I.; Hecker, Hedges, Hirschberg, M. H.; Hotchkiss, Hottenroth, Kinkel, Mantanye, Marks, McArthur, McDonough, McLaughlin, J. W.; Meyenborg, Morton, Mulqueen, Nicoll, De L.; Nostrand, Parker, Pashley, Peabody, Peck, Porter, Powell, Pratt, Putnam, Rogers, Speer, Springweiler, Sullivan, W.; Titus, Towns, Tucker, Turner, Veeder, Vogt, Whitmyer, Williams, Woodward — 59.

Noes — Messrs. Abbott, Acker, Ackerly, Allaben, Alvord, Baker, Banks, Barhite, Barnum, Becker, Brown, E. A.; Cady, Church, Clark, H. A.; Cochran, Cookinham, Countryman, Crosby, Deady, Deterling, Doty, Emmet, Floyd, Foote, Francis, Frank, Andrew; Frank, Augustus; Fraser, Fuller, O. A.; Gilbert, Hawley, Hill, Holcomb, Holls, Johnson, J.; Johnston, R. M.; Kellogg, Kimmey, Kurth, Lewis, C. H.; Lewis, M. E.; Lincoln, Lyon, Manley, Marshall, Maybee, McCurdy, McIntyre, McKinstry, McLaughlin, C. B.; McMillan, Mereness, Moore, Nichols, W. H.; O'Brien, Osborn, Parkhurst, Phipps, Pool, Root, Sandford, Schumaker, Steele, A. B.; Steele, W. H.; Sullivan, T. A.; Tibbetts, Vedder, Wellington, President — 69.

The hour of 10.07 having arrived, Mr. President declared the Convention adjourned.

Friday, August 17, 1894.

The Convention met pursuant to adjournment.

Prayer by Rev. J. J. Thomson.

On motion of Mr. O'Brien, the reading of the Journal of Thursday, August sixteenth, was dispensed with.

The last Record appearing upon the files of members to-day, is of date August tenth.

By vote of the Convention, the following members were excused from attendance, as follows: For Saturday, Messrs. Spencer, Towns, Danforth; for Saturday and Monday, Messrs. Coleman, Towns, Manley; until Monday afternoon, Messrs. Kellogg, Parmenter, Bowers, Becker, Augustus Frank, Roche, Bush; for Monday, Messrs. Pashley, Hirschberg, Meyenborg; for Saturday afternoon, Messrs. C. B. McLaughlin, Giegerich; until Monday, Mr. Hotchkiss; until Wednesday, Mr. Andrew Frank; until Tuesday, Mr. Gilbert.

Mr. President announced the pending question, under Rule 29, at the time of adjournment last evening, to be upon the disposition of "Proposed constitutional amendment to amend section 7 of article 1 of the Constitution, relating to the taking of private property for public use," General Order No. 18, printed No. 385, introductory No. 364, the Committee of the Whole having been refused leave to sit again by the Convention.

Mr. Cochran moved to lay the question upon the table.

Mr. President put the question on said motion, and it was determined in the negative.

Mr. Root moved that said proposed constitutional amendment be rejected entire.

Mr. President put the question on the motion of Mr. Root, and it was determined in the negative.

Ayes — Messrs. Abbott, Acker, Ackerly, Alvord, Baker, Barhite, Barnum, Becker, Brown, E. A.; Cady, Cassidy, Chipp, Jr.; Church, Clark, H. A.; Cookinham, Countryman, Crosby, Deady, Doty, Emmet, Floyd, Foote, Francis, Frank, Augustus; Fuller, O. A.; Gilbert, Goodelle, Hamlin, Hawley, Hill, Johnson, J.; Kimmey, Lewis, C. H.; Lewis, M. E.; Lincoln, Lyon, Manley, Marshall, Maybee, McCurdy, McIntyre, McLaughlin, C. B.; McMillan, Mere-

ness, Moore, Nichols, W. H.; O'Brien, Osborn, Parkhurst, Parmenter, Phipps, Pool, Putnam, Redman, Root, Schumaker, Spencer, Steele, A. B.; Steele, W. H.; Storm, Sullivan, T. A.; Tibbetts, Towns, Vedder, Wellington, Whitmyer, Wiggins, President — 68.

Noes — Messrs. Arnold, Barrow, Blake, Bowers, Burr, Bush, Campbell, Carter, Cochran, Coleman, Danforth, Davenport, Davis, G. A.; Dean, Deterling, Deyo, Dickey, Durfee, Fitzgerald, Forbes, Frank, Andrew; Fuller, C. A.; Galinger, Gibney, Giegerich, Goeller, Green, A. H.; Green, J. I.; Griswold, Hecker, Hedges, Hirschberg, M. H.; Holcomb, Holls, Hotchkiss, Hottenroth, Jacobs, Johnston, R. M.; Kinkel, Kurth, Mantanye, Marks, McArthur, McClure, McDonough, McKinstry, McLaughlin, J. W.; Meyenborg, Morton, Mulqueen, Nicoll, De L.; Nostrand, Ohmeis, Parker, Pashley, Peabody, Peck, Porter, Powell, Pratt, Roche, Rogers, Rowley, Sandford, Smith, Springweiler, Titus, Tucker, Turner, Veeder, Vogt, Woodward — 72.

Mr. Moore moved that said constitutional amendment be committed to the Judiciary Committee.

Mr. Marks moved to amend as follows: By striking out "Judiciary Committee," and inserting in lieu thereof, "Committee of the Whole."

Mr. Bowers moved to lay the whole subject on the table.

Mr. President put the question on said motion, and it was determined in the negative.

Mr. President put the question on the motion of Mr. Marks, and it was determined in the affirmative.

Mr. President presented a petition of citizens of Buffalo, relative to caucuses and elections.

Referred to the Committee on Suffrage.

Also, a petition of H. G. Paine and others, relative to civil service.

Referred to the Select Committee; also, Civil Service Committee.

Mr. Becked moved that the time for the Committee on Legislative Organization to make final report, be extended until Friday next.

Mr. President put the question on said motion, and it was determined in the affirmative.

Mr. Mulqueen moved that the session of to-morrow be dispensed with.

Mr. Pratt moved to amend by adding after the word "to-morrow," the word "afternoon."

The Second Vice-President, Mr. W. H. Steele, in the chair.
Debate being had thereon.

Mr. Acker moved the previous question.

Mr. President put the question on said motion, and it was determined in the affirmative.

Mr. President put the question on the motion of Mr. Pratt, and it was determined in the negative.

Mr. President put the question on the motion of Mr. Mulqueen, and it was determined in the negative.

Mr. Moore moved that the Committee on Printing be instructed to have placed on the files of members, on Monday morning next, Document No. 15, as corrected.

Mr. President put the question on said motion, and it was determined in the affirmative.

Mr. Roche moved that the Committee on Printing be instructed to have placed on the files of members, on Monday morning next, the Record and Journal up to and including this date, or give the reason why.

Mr. McClure moved the previous question.

Mr. President put the question on said motion, and it was determined in the affirmative.

Mr. President put the question on the motion of Mr. Roche, and it was determined in the affirmative.

Mr. Root moved to amend Rule 29, by striking out the words "to bring up the subject immediately before the Convention," and substitute the words "*to reject the proposed constitutional amendment.*"

Referred to the Committee on Rules.

Mr. Root moved to amend Rule 7, by inserting after the word "request," the words "any member may explain his vote for not exceeding three minutes."

Referred to the Committee on Rules.

Mr. C. A. Davis asked to be excused from attendance on Monday and Tuesday next, for the reason that he had official duty to perform elsewhere, that he was required to do by law.

Debate being had thereon.

Mr. Dean moved the previous question.

Mr. President put the question on said motion, and it was determined in the affirmative.

Mr. President put the question on excusing Mr. Davis, and it was determined in the affirmative.

Mr. Vedder, from the Committee on Powers and Duties of the Legislature, to which was referred the proposed constitutional amendment introduced by Mr. C. A. Fuller, introductory No. 200, entitled "Proposed constitutional amendment to amend section 16 of article 3 of the Constitution, relating to restriction as to private and local bills," reported in favor of the passage of the same, with some amendments, which report was agreed to, and said proposed constitutional amendment committed to the Committee of the Whole.

Mr. Root, from the Committee on Judiciary, to which was referred the proposed constitutional amendment introduced by Mr. Becker, introductory No. 329, entitled "Proposed constitutional amendment to amend section 1 of article 10 of the Constitution, so as to prevent removal by the Governor of public officers, except for good cause," reported in favor of the passage of the same, with some amendments, which report was agreed to, and said proposed constitutional amendment committed to the Committee of the Whole.

Mr. Root, from the Committee on Judiciary, to which was referred the proposed constitutional amendment introduced by Mr. Doty, introductory No. 86, entitled "Proposed constitutional amendment to amend section 17 of article 1 of the Constitution, relating to the appointment of commissioners of codification," reported in favor of the passage of the same, without amendment, which report was agreed to, and said proposed constitutional amendment committed to the Committee of the Whole.

This report is also a favorable report upon the last section of No. 36, introduced by Mr. Lauterbach.

Mr. Cady, from the Committee on Canals, reported a proposed constitutional amendment, introductory No. 386, printed No.

430, "To amend section 3, article 7, of the Constitution of the State of New York, relating to canals," in favor of the passage of the same, which report was agreed to, and said proposed constitutional amendment committed to the Committee of the Whole.

Mr. Cady, from the Committee on Canals, reported a proposed constitutional amendment, introductory No. 387, printed No. 431, "To amend section 6 of article 7 of the Constitution of the State of New York," in favor of the passage of the same, which report was agreed to, and said proposed constitutional amendment committed to the Committee of the Whole.

Mr. Augustus Frank, from the Committee on Banking and Insurance, to which was referred the proposed constitutional amendment introduced by Mr. Hawley, introductory No. 207, entitled "To amend article 8, section 6 of the Constitution, in respect of banks," reported in favor of the passage of the same without amendment, which report was agreed to, and said proposed constitutional amendment committed to the Committee of the Whole.

Mr. Augustus Frank, from the Committee on Banking and Insurance, to which was referred the proposed constitutional amendment introduced by Mr. Marshall, introductory No. 69, entitled "To amend section 7 of article 8 of the Constitution, relative to the liability of the stockholders of banking corporations," reported in favor of the passage of the same, without amendment, which report was agreed to, and said proposed constitutional amendment committed to the Committee of the Whole.

Mr. Augustus Frank, from the Committee on Banking and Insurance, to which was referred the proposed constitutional amendment introduced by Mr. Kellogg, introductory No. 188, entitled "Proposed constitutional amendment to amend section 4 of article 8 of the Constitution, relating to unclaimed deposits in savings banks or institutions for savings, and defining the powers of the Legislature in relation thereto," reported adversely thereto, which report was agreed to.

Mr. Augustus Frank, from the Committee on Banking and Insurance, reported as follows:

"The Committee on Banking and Insurance, to which was referred proposed constitutional amendment, introductory No. 372, introduced by Mr. Andrew H. Green, report that the proposed amendment was considered by the committee. The committee ask for the printing of the amendment, and report it for the consideration of the Convention," which report was agreed to, and said amendment was referred to the Committee of the Whole.

Mr. Ira M. Hedges, from the Committee on Militia and Military Affairs, to which was referred the proposed constitutional amendment introduced by Mr. Holls, introductory No. 40, entitled "Proposed constitutional amendment to amend article 11 of the Constitution, in regard to militia," reported adversely thereto, which report was agreed to.

Mr. Marshall, from the Committee on Future Amendments, to which was referred the proposed constitutional amendment introduced by Mr. C. H. Truax, introductory No. 256, entitled "Proposed constitutional amendment to amend article 14 of the Constitution," reported in favor of the passage of the same, with an amendment, which report was agreed to, and said proposed constitutional amendment committed to the Committee of the Whole.

Mr. Marshall, from the Committee on Future Amendments, to which was recommitted the proposed constitutional amendment introduced by the Committee on Future Amendments, introductory No. 375, entitled "Proposed constitutional amendment to amend article 13 of the Constitution, relating to future amendments," reported in favor of the passage of the same, with some amendments, which report was agreed to, and said proposed constitutional amendment restored to its place on General Orders.

Mr. Hirschberg, from the Committee on Privileges and Elections, reported as follows:

REPORT OF THE COMMITTEE ON PRIVILEGES AND ELECTIONS.

IN THE MATTER OF THE CONTEST

OF

WM. H. DAVIS, LUTHER W. EMERSON,
HENRY J. BROWN, GEORGE W. TOMPKINS
AND CHRISTIAN F. GULL, FOR
SEATS IN THE CONVENTION NOW OCCUPIED
BY MIRABEAU L. TOWNS, WM. H. COCHRAN,
JOHN G. SCHUMAKER, JOHN B. MEYENBORG
AND ALMET F. JENKS,
FROM THE SECOND SENATORIAL DISTRICT.

To the Constitutional Convention :

The Committee on Privileges and Elections, to whom was referred the petition of William H. Davis, Luther W. Emerson, Henry J. Brown, George W. Tompkins and Christian F. Gull, claiming that they were duly elected delegates to the Constitutional Convention from the Second Senatorial district of the State of New York, at the last general election, and are entitled to the seats now occupied by Mirabeau L. Towns, William H. Cochran, John G. Schumaker, John Meyenborg and Almet F. Jenks, respectfully report:

That they have heard the proofs and allegations of the parties, and have given to both parties ample opportunity to submit such evidence as they desire. That they have carefully considered the evidence and that in the opinion of said committee the following facts are established :

As the result of the official canvass of the vote for district delegates to the Constitutional Convention from the Second Senatorial district, the Board of Canvassers certified that the contestees and contestants received respectively the following number of votes :

Mirabeau L. Towns.....	18,993
Wm. H. Cochran.....	19,018
John G. Schumaker.....	19,000
John B. Meyenborg.....	18,990
Almet F. Jenks.....	18,962
Wm. H. Davis.....	16,601
Luther W. Emerson.....	16,594
Henry J. Brown.....	16,595
George W. Tompkins.....	16,601
Christian F. Gull.....	16,590

There were also a few scattering votes for other candidates.

From these figures it appears that the sitting delegates received the following majorities :

M. L. Towns.....	2,392
W. H. Cochran.....	2,424
J. G. Schumaker.....	2,414
J. B. Meyenborg.....	2,389
A. F. Jenks.....	2,372

The Second Senatorial district is composed of the Seventh, Ninth, Tenth, Twelfth and Twenty-second wards of the city of Brooklyn. The claim is made by the contestants that frauds were committed at the last election of such a character as to justify the rejection of the returns in several of the election districts in this Senate district, particularly in the Ninth and Twelfth wards.

The evidence shows that a large number of voters in various districts received assistance in folding their ballots, and it is claimed that this assistance was rendered under circumstances not justified by the statute, and that receiving assistance under such circumstances was a fraud on the election law of such a character, and was carried on to such an extent, as to justify the rejection of the entire returns in the districts where such assistance was received. There is some evidence that in a large number of cases persons who received assistance were not physically disabled to such an extent as to justify such assistance. But the number of persons who thus wrongfully claimed a physical disability and thereby received assistance in folding their ballots, is not definitely ascertained in any district. The

contestants claim that by reason of this uncertainty, the whole return is vitiated, and should be rejected. In most cases the persons thus claiming assistance took the oath of disability prescribed by the election law; but in a large number of cases no such oath was taken, and in several districts assistance was rendered without any formal claim by the voters, and apparently without protest by the election officers.

It is conceded that the persons receiving this assistance, whether after or without taking the oath of disability, were legal voters in the district where they respectively voted.

In some districts the irregularities of this character were so numerous as to justify the conclusion that they were purposely permitted by the election officers, and the violation of the election law by such officers in permitting voters to disregard the requirements of the statute, would, in some cases, justify the exclusion of the entire return. The proof of such violations in this contest is confined to a very few districts, and even if all the returns which we could find were affected by such irregularities were excluded, there would still remain a large majority of votes certified by regular returns for each of the sitting delegates. The aggregate number of votes which we would be justified in rejecting under any circumstances would not be sufficient to overcome the majority as certified for the sitting delegates.

There is also evidence of a few cases of fraudulent registration and repeating, and also of electioneering within one hundred and fifty feet of the polling places. But the number of cases of these violations is not sufficient to materially affect the result.

Your committee are of the opinion that the evidence in this contest is insufficient to warrant the exclusion of the contestees from their seats in this Convention, and that the petition of the contestants should be dismissed.

We, therefore, recommend the adoption of the following resolution :

Resolved, That the petition of Wm. H. Davis, Luther W. Emerson, Henry J. Brown, George W. Tompkins, and Christian F. Gull, heretofore presented to this Convention, praying that they be awarded the seats now occupied by Mirabeau L. Towns, Wm. H. Cochran, John G. Schumaker, John B. Meyenborg and Almet

F. Jenks, as delegates from the Second Senatorial district, be and the same is hereby dismissed.

All of which is respectfully submitted.

Dated August 16, 1894.

M. H. HIRSCHBERG,
Chairman.

Mr. Hirschberg moved that the report be agreed to and the resolution be adopted.

Mr. Mereness moved that the calling of the roll, on agreeing to said report, be dispensed with, and it was determined in the affirmative.

Mr. President put the question on the motion of Mr. Hirschberg, and it was determined in the affirmative.

On motion of Mr. Hirschberg said report was ordered printed.

Mr. Cady moved to take from the table the report of the Committee on Finance and Taxation, in words following :

Mr. Acker, from the Committee on Finance and Taxation, to which was referred the proposed constitutional amendment introduced by Mr. Cassidy, introductory No. 252, entitled "Proposed constitutional amendment to amend sections 1, 2, 3, 4 and 5 of article 7 of the Constitution, in relation to the canal debts and the maintenance of canals," reported in favor of the passage of the same, without amendment.

Mr. President put the question on the motion of Mr. Cady, and it was determined in the affirmative.

Said report was then agreed to, and said amendment was referred to the Committee of the whole.

The Convention then went into Committee of the Whole, and, after some time spent therein, the hour of one o'clock having arrived, Mr. President resumed the chair, and the Convention took a recess until three o'clock.

AFTERNOON SESSION.

Three o'clock, P. M.

The Convention again met, and proceeded in Committee of the Whole, and, after some time spent therein, the hour of five o'clock having arrived, Mr. President resumed the chair, and declared the Convention in recess until eight o'clock.

EVENING SESSION.

Eight o'clock, P. M.

The Convention again met and proceeded in Committee of the Whole, and, after some time spent therein, Mr. Cookinham, from said Committee, reported:

The Committee of the Whole have had under consideration the proposed constitutional amendment, printed No. 378, entitled "Proposed constitutional amendment to amend article 3 of the Constitution, relating to public officers," have made some progress in the same, but not having gone through therewith, the question was raised that no quorum was present, and instructed the chairman to report that fact to the Convention.

The President directed the Secretary to call the roll to ascertain if a quorum was present, when a quorum answered to the call of their names, and the Convention proceeded in Committee of the Whole, and, after some time spent therein, Mr. Cookinham, from said Committee, reported:

The Committee of the Whole have had under consideration the proposed constitutional amendment, printed No. 378, entitled "Proposed constitutional amendment to amend article 3 of the Constitution, relating to public officers," have gone through with the same, have made an amendment thereto, and instructed the chairman to report the same to the Convention, and recommend its passage.

Mr. President put the question on the adoption of said report, and it was determined in the negative.

Ayes—Messrs. Abbott, Acker, Ackerly, Baker, Barhite, Barrow, Brown, E. A.; Cassidy, Clark, G. W.; Clark, H. A.; Countryman, Davis, G. A.; Dickey, Emmet, Floyd, Francis, Fuller, C. A.;

Galinger, Hamlin, Hecker, Hedges, Hill, Jacobs, Johnson, J.; Kerwin, Kinkel, Lewis, C. H.; Lyon, Maybee, McDonough, McIntyre, Mereness, Morton, Nicoll, De L.; Nostrand, O'Brien, Parker, Pashley, Phipps, Powell, Pratt, Redman, Rogers, Schumaker, Steele, W. H.; Storm, Sullivan, W.; Tucker, Turner, Vedder, Veeder, Vogt, Wellington, Whitmyer — 55.

Noes — Messrs. Alvord, Barnum, Blake, Burr, Cady, Campbell, Chipp, Jr.; Church, Cochran, Cookinham, Crosby, Davenport, Davies, J. C.; Dean, Deterling, Doty, Durfee, Frank, Augustus; Fraser, Fuller, O. A.; Giegerich, Gilleran, Goeller, Green, J. I.; Hawley, Hirschberg, M. H.; Holcomb, Holls, Lincoln, Manley, Marks, Marshal, McArthur, McCurdy, McKinstry, McLaughlin, C. B.; McLaughlin, J. W.; McMillan, Meyenborg, Moore, Mulqueen, Nichols, W. H.; Osborn, Parkhurst, Peabody, Peck, Platzek, Putnam, Root, Sandford, Smith, Speer, Steele, A. B.; Tekulsky, Titus, Willaims, Woodward, President — 58.

When the name of Mr. T. A. Sullivan was called, he could not conscientiously vote either way, and asked to be excused, and he was excused.

By vote of the Convention, the following delegates were excused from attendance: For to-morrow, Mr. G. W. Clark and Mr. Nostrand; for Monday, Mr. Kinkel.

The Convention again went into Committee of the Whole, and, after some time spent therein, Mr. Hawley, from said committee, reported:

The Committee of the Whole have had under consideration the proposed constitutional amendment, printed No. 387, entitled "Proposed constitutional amendment to amend article 3 of the Constitution, in regard to taking saloons out of politics," have made some progress in the same, but not having gone through therewith, asked leave to sit again.

Mr. President put the question on granting leave to sit again, and it was determined in the affirmative.

The hour of ten o'clock having arrived, the Convention adjourned.

Saturday, August 18, 1894.

The Convention met pursuant to adjournment.

Prayer by Rev. John G. Henry.

On motion of Mr. Acker, the reading of the Journal of Friday, August seventeenth, was dispensed with.

The last Record appearing to-day upon the files of members, is of date August fourteenth.

Mr. McKinstry moved to reconsider the vote, of last evening, by which the report of the Committee of the Whole on the proposed constitutional amendment, printed No. 378, entitled "To amend article 3 of the Constitution, relating to public officers," was disagreed with.

Mr. President put the question on said motion, and it was determined in the affirmative.

Mr. Mulqueen moved to postpone the consideration of this subject until after the report of the Committee on Cities.

Mr. President put the question on said motion, and it was determined in the negative.

Mr. President put the question on agreeing to the report of the Committee of the Whole, and it was determined in the affirmative.

Ayes — Messrs. Abbott, Acker, Allaben, Baker, Barhite, Brown, E. A.; Carter, Cassidy, Church, Clark, H. A.; Countryman, Crosby, Davies, J. C.; Davis, G. A.; Deterling, Emmet, Floyd, Francis, Fuller, C. A.; Fuller, O. A.; Galinger, Hamlin, Hecker, Hedges, Hill, Jacobs, Johnson, J.; Kerwin, Kinkel, Kurth, Lester, Lewis, C. H.; Lyon, Mantanye, Maybee, McDonough, McIntyre, McKinstry, Mereness, Moore, Morton, Nichols, W. H.; Nicoll, De L.; O'Brien, Parker, Pashley, Powell, Pratt, Redman, Rogers, Sandford, Schumaker, Steele, W. H.; Storm, Sullivan, T. A.; Sullivan, W.; Turner, Vedder, Veeder, Vogt, Wellington, Whitmyer, Woodward — 63.

Noes — Messrs. Ackerly, Alvord, Barnum, Barrow, Blake, Burr, Cady, Campbell, Chipp, Jr.; Cochran, Cookinham, Davenport, Dean, Doty, Durfee, Frank, Augustus; Fraser, Giegerich, Gileran, Goeller, Green, J. I.; Hawley, Hirschberg, M. H.; Holcomb, Holls, Lincoln, Marks, Marshall, McArthur, McLaughlin, C. B.;

McLaughlin, J. W.; McMillan, Meyenborg, Mulqueen, Ohmeis, Osborn, Parkhurst, Peabody, Platzek, Putnam, Root, Smith, Steele, A. B.; Tekulsky, Titus, Truax, C. H.; Tucker, Williams, President — 49.

Mr. Vedder moved to recommit said amendment to the Committee on Legislative Powers and Duties.

Mr. President put the question on said motion, and it was determined in the affirmative.

Mr. C. B. McLaughlin offered a resolution in words following:

Resolved, That the Committee on Rules be instructed to report a rule, on or before Tuesday next, to the effect that a disagreement with a report of the Committee of the Whole shall be final.

Referred to the Committee on Rules.

By vote of the Convention, the following members were excused from attendance, as follows: For this afternoon and Monday, Mr. Hedges; for Monday, Messrs. Goeller and Fraser; for to-day, Mr. R. M. Johnston; for this afternoon session, Messrs. Holcomb, Peabody, Veeder, W. H. Nichols and Osborn.

Mr. Cookinham offered a resolution in words following:

Resolved, That the Committee on Rules be directed to report a rule allotting time for debate on each of the proposed constitutional amendments.

Referred to the Committee on Rules.

Mr. Johnson, from the Committee on Cities, to which was referred the proposed constitutional amendment introduced by Mr. Banks, introductory No. 148, entitled "Proposed constitutional amendment to amend the Constitution, relative to debt limitation of cities," reported in favor of the passage of the same, with some amendments, which report was agreed to, and said proposed constitutional amendment committed to the Committee of the Whole.

Mr. Woodward, from the Committee on Preamble and Bill of Rights, made a minority report on the "Preamble and Bill of Rights," which was ordered printed.

Mr. Holls, from the Committee on Education, introduced a proposed constitutional amendment, entitled "To amend article 9, relating to free common schools," which was read and referred to the Committee of the Whole.

Mr. Holls moved that the time for reports by the Committee on Education be extended to August twenty-eighth.

Mr. President put the question on said motion, and it was determined in the affirmative.

Mr. C. H. Lewis, from the Committee on the Relations of the State to the Indians Residing Therein, to which was referred the proposed constitutional amendment, introductory No. 242, and several petitions for constitutional amendment, respectfully report that your committee have carefully considered the same, and it is the unanimous judgment of the committee that section 16 of article 1 of the present Constitution, relating to sale of Indian lands, should remain unchanged.

Also, your committee further report, on the several petitions for a constitutional provision to enable moneys appropriated by the State to be used to educate New York State Indians outside the State, that in the opinion of the committee no such provision should be inserted in the Constitution.

Mr. E. R. Brown, from the Select Committee on Further Amendments, to which was referred the proposed constitutional amendment introduced by Mr. A. H. Green, introductory No. 379, entitled "Proposed constitutional amendment to abolish the office of loan commissioner," reported that, in the opinion of the committee, the same ought to be printed and referred, under Rule 32, and said amendment was ordered printed and referred to the Committee on Finance and Taxation.

Mr. E. R. Brown, from the Select Committee on Further Amendments, to which was referred the proposed constitutional amendment introduced by Mr. Manley, introductory No. 378, entitled "Proposed constitutional amendment to prohibit the use of land for cemetery purposes in certain counties of the State, without the consent of local authorities," reported that, in the opinion of the committee, the same should not be printed and referred under Rule 32.

Mr. President put the question on the adoption of said report, and it was determined in the affirmative.

Mr. Hedges moved that the Committee on Military Affairs have the time extended to August twenty-fourth for it to make reports.

Mr. President put the question on said motion, and it was determined in the affirmative.

The Convention then went into Committee of the Whole, and, after some time spent therein, Mr. Hawley, from said committee, reported:

The Committee of the Whole have had under consideration the proposed constitutional amendment, printed No. 387, entitled "To amend article 3 of the Constitution, in regard to taking saloons out of politics," have gone through with the same, have made an amendment thereto, and instructed the chairman to report to the Convention recommending that the proposed constitutional amendment under consideration, and the amendment offered thereto, be recommitted to the Committee on Powers and Duties of the Legislature.

Mr. President put the question on the adoption of said report, and it was determined in the affirmative, and said amendment was so recommitted.

The Convention again went into Committee of the Whole, and, after some time spent therein, the hour of one o'clock having arrived, Mr. President resumed the chair, and declared the Convention in recess until three o'clock.

AFTERNOON SESSION.

Three o'clock P. M.

The Convention again met.

Mr. Hamlin offered a resolution in words following:

Resolved, That 4,000 additional copies of amendment No. 422, known as the judiciary article, be printed for the use of the Convention, and it was determined in the affirmative.

Mr. Root, from the Committee on Rules, reported amendments to the rules in words following:

"Strike out the last sentence of Rule 29."

To amend Rule 7 by inserting after the word "request," the words "or any member may explain his vote for not exceeding three minutes."

Pending the consideration of said report, Mr. Cochran raised the point of order that no quorum was present.

On a count being had, but seventy-seven delegates were found to be present.

The President directed the Secretary to call the roll, to ascertain whether a quorum was present, when the following delegates answered to the call of their names:

Messrs. Acker, Allaben, Alvord, Baker, Barhite, Barnum, Barrow, Blake, Brown, E. A.; Brown, E. R.; Burr, Cady, Cassidy, Church, Cochran, Cookinham, Countryman, Crosby, Davenport, Dean, Deterling, Doty, Durfee, Emmet, Floyd, Fuller, C. A.; Fuller, O. A.; Gilleran, Goeller, Hamlin, Hawley, Hecker, Hill, Holls, Johnson, I. Sam; Johnson, J.; Kerwin, Lewis, C. H.; Lincoln, Marks, Marshall, Maybee, McArthur, McDonough, McIntyre, McKinstry, McLaughlin, J. W.; Mereness, Meyenborg, Moore, Morton, Nicoll, De L.; O'Brien, Parker, Parkhurst, Pashley, Peck, Phipps, Platzek, Powell, Pratt, Putnam, Redman, Rogers, Root, Sandford, Schumaker, Smith, Steele, A. B.; Steele, W. H.; Sullivan, T. A.; Sullivan, W.; Tekulsky, Titus, Truax, C. H.; Tucker, Turner, Vedder, Vogt, Wellington, Whitmyer, Williams, Woodward, President.

Mr. Alvord moved that the Convention now adjourn.

Mr. President put the question on said motion, and it was determined in the negative.

Mr. Kerwin moved a call of the house.

Mr. President put the question on said motion, and it was determined in the negative.

On motion of Mr. Acker, the Sergeant-at-Arms was directed to summon the two delegates living in Albany to attend the session of the Convention.

Mr. Alvord moved that the Convention now adjourn.

Mr. President put the question on said motion, and it was determined in the negative.

The Convention then proceeded in Committee of the Whole, and, after some time spent therein, Mr. E. R. Brown, from said committee, reported:

The Committee of the Whole have had under consideration the proposed constitutional amendment, printed No. 396, entitled "To amend article 3 of the Constitution, relating to the passage of laws," reported progress in same, and asked leave to sit again.

Mr. President put the question on granting leave, and it was determined in the affirmative.

The Convention then called for the names of those delegates absent without leave.

Those absent without leave were as follows:

Messrs. Campbell, Clark, H. A.; Crimmins, Fields, Foote, Fraser, Galinger, Green, J. I.; Herzberg, A.; Kinckel, Koch, Kurth, Lester, Lyon, McMillan, Mulqueen, Rowley, Speer.

On motion of Mr. C. H. Truax, at 4.10, the Convention adjourned.

Monday, August 20, 1894.

The Convention met pursuant to adjournment.

No clergyman present.

On motion of Mr. O'Brien, the reading of the Journal of Saturday, August eighteenth, was dispensed with, except that portion giving the names of those delegates who were absent without leave.

The names of absentees were read.

Mr. President directed the list of absentees, without leave, to be referred to the Financial Secretary.

The Journal was then approved.

Mr. Moore presented petition of manufacturers of plumbing materials, protesting against prison labor.

Referred to the Committee on State Prisons.

Mr. Francis presented petition of citizens of Troy relative to caucuses.

Referred to the Committee on Suffrage.

Mr. Moore moved that the time for the Committee on Printing to have Document No. 15 placed on the files be extended to Friday next, and then must include, reprinted, such new rules as may be passed prior to that time.

Mr. President put the question on said motion, and it was determined in the affirmative.

Mr. Acker, from the Committee on Finance and Taxation, reported in favor of the passage of the proposed constitutional amendment, entitled "Proposed constitutional amendment to

amend article 3 of the Constitution," by the addition of two new sections, which report was agreed to, and said amendment was committed to the Committee of the Whole, Mr. Acker dissenting.

Mr. Acker, from the Committee on Finance and Taxation, to which was referred the proposed constitutional amendment introduced by Mr. Pratt, introductory No. 241, entitled "Proposed constitutional amendment to amend article 7 of the Constitution, by adding a new section thereto relating to taxation," reported adversely thereto.

Mr. Pratt moved to lay said report on the table.

Mr. President put the question on said motion, and it was determined in the affirmative.

The Convention then went into Committee of the Whole, and, after some time spent therein, Mr. Moore, from said committee, reported:

The Committee of the Whole have had under consideration the proposed constitutional amendment, printed No. 397, entitled "To abolish all commissions, except those constituted of elective officers, and to inhibit the power of creating permanent commissions," have made some progress in the same, and instructed the chairman to report adversely thereon, which report was agreed to.

Ayes — Messrs. Acker, Ackerly, Alvord, Arnold, Baker, Barhite, Barnum, Brown, E. A.; Brown, E. R.; Burr, Cady, Campbell, Cassidy, Chipp, Jr.; Church, Clark, G. W.; Cookinham, Countryman, Danforth, Davenport, Dickey, Doty, Durfee, Durnin, Emmet, Floyd, Foote, Forbes, Francis, Fuller, C. A.; Fuller, O. A.; Giegerich, Gilleran, Hamlin, Hawley, Hill, Holcomb, Holls, Hotchkiss, Hottenroth, Johnson, J.; Kerwin, Kurth, Lauterbach, Lester, Lewis, C. H.; Lewis, M. E.; Marks; Marshall, Maybee, McArthur, McCurdy, McIntyre, McLaughlin, C. B.; Mereness, Nichols, W. H.; Ohmeis, Osborn, Peabody, Peck, Platzek, Redman, Root, Rowley, Sandford, Spencer, Steele, W. H.; Sullivan, T. A.; Sullivan, W.; Truax, C. H.; Turner, Veeder, Wellington, Whitmyer, Wiggins, President — 76.

Noes — Messrs. Bigelow, Cornwell, Dean, Jacobs, Johnson, I. Sam; Kellogg, Kimmey, Lincoln, McDonough, McKinsty, Moore, Morton, Nostrand, O'Brien, Parker, Pratt, Rogers, Schumaker, Vedder, Woodward — 20.

Mr. President presented a communication from The Argus Company in words following:

OFFICE OF THE ARGUS,
ALBANY, *August 18, 1894.*

The Honorable Joseph H. Choate, President Constitutional Convention:

Sir.—In reply to the inquiry of your honorable body in relation to the printing for the Constitutional Convention, The Argus Company would respectfully report:

1. That in every case the work of The Argus Company has been done pursuant to the contracts and the resolutions and instructions of your honorable body.

2. That The Argus Company is unable to supply printed copies of the debates, for the simple reason that the copy for the past five sessions is not in its possession, and has not been furnished to it by the stenographer, and, that, furthermore, The Argus Company, in compliance with the resolution of the Convention, has employed an additional force of men, at considerable expense, in order to furnish the printed copies of the debates speedily, and that these men have been without copy of the debates for two days of the current week, to the loss and injury of The Argus Company.

3. The stenographer informs us that one reason for the delay in furnishing copy for the debates is that the members of the Convention obtain his copy for the purpose of revising and editing their speeches. The result of this revising and editing is that the copy is frequently illegible, and that it does not reach this office until some time after its preparation by the stenographer. In the case of Tuesday evening's debates, the type was set and proofs furnished for the use of members who retained them some time making corrections and alterations in them.

The Argus Company feels that its business reputation is injured by the unjust and unfounded attacks made upon it in the Convention. We are held responsible for the acts of the delegates and employes of the Convention. We have been blamed for not furnishing documents, when the employes of the Convention had not placed them upon the file-boards, although the documents had been delivered and we held receipts for them. We are neither the stenographers of the Convention, nor its Sergeant-at-Arms and

page boys. We have given the Convention more prompt and better service than under any legislative contract. We have run nights at a greatly increased expense in order to print, in time for morning sessions, matter which, by resolutions of the Convention, was ordered to be sent to us before four o'clock in the afternoon, and which we do not receive until eleven o'clock and midnight.

We appeal to you, as the presiding officer of the Convention, and to your sense of justice, to protect us against these unfounded attacks, and to prevent statements upon the floor of the Convention, and on its authority, which are libels upon our business reputation.

We ask that this communication be treated as a formal communication to the Convention and entered upon its records.

Very respectfully,

THE ARGUS COMPANY,

M. V. D.

On motion of Mr. Alvord, said communication was received and laid on the table, and ordered printed.

Mr. I. S. Johnson offered a resolution in words following:

Resolved, That the Committee on Rules be requested to report an amendment to Rule 21, by adding after the word "day," in the sixth line, the following words: "And if not so moved on a second call it shall go to the foot of the calendar of General Orders."

Referred to the Committee on Rules.

By vote of the Convention, the following gentlemen were excused, as follows: Until August twenty-third, Mr. Tucker; for to-day, Mr. Putnam; for Tuesday, Mr. Kellogg; for Tuesday and Wednesday, Mr. Hamlin; for Friday and Saturday next, Mr. Cornwell.

The Convention again went into Committee of the Whole, and, after some time spent therein, Mr. Schumaker, from said committee, reported:

The Committee of the Whole have had under consideration the proposed constitutional amendment, printed No. 399, entitled "To amend section 3 of article 2 of the Constitution as to the suffrage," have gone through with the same, have made no

amendment thereto, and instructed the chairman to report the same to the Convention, and recommend its passage.

Mr. President put the question on agreeing to said report, and it was determined in the affirmative.

Ayes — Messrs. Acker, Ackerly, Allaben, Alvord, Arnold, Baker, Banks, Barhite, Barnum, Bigelow, Brown, E. A.; Brown, E. R.; Cady, Carter, Cassidy, Church, Clark, G. W.; Cookinham, Cornwell, Crosby, Dean, Dickey, Doty, Durfee, Emmet, Floyd, Foote, Forbes, Francis, Fuller, C. A.; Fuller, O. A.; Hamlin, Hill, Jacobs, Johnson, I. Sam; Johnson, J.; Kurth, Lauterbach, Lester, Lewis, C. H.; Lewis, M. E.; Lincoln, Marshall, McArthur, McDonough, McIntyre, McKinstry, McLaughlin, C. B.; Mereness, Moore, Morton, Nichols, W. H.; Nostrand, O'Brien, Osborn, Parker, Parkhurst, Pratt, Redman, Root, Schumaker, Steele, W. H.; Sullivan, T. A.; Sullivan, W.; Turner, Vedder, Vogt, Wellington, Whitmyer, Wiggins, Woodward, President — 72.

Noes — Messrs. Burr, Campbell, Davenport, Durnin, Giegerich, Gilleran, Hawley, Holcomb, Hottenroth, Kerwin, Kimmey, Marks, Maybee, Ohmeis, Peabody, Peck, Platzek, Rogers, Rowley, Sandford, Speer, Titus, Truax, C. H.; Veeder — 24.

When the name of Mr. Cochran was called, he asked to be and was excused from voting.

Said amendment was then referred to the Committee on Revision and Engrossment.

The hour of one o'clock having arrived, the Convention took a recess until three o'clock.

AFTERNOON SESSION.

Three o'clock, P. M.

The Convention again met.

The Convention went into Committee of the Whole, and, after some time spent therein, Mr. Kellogg, from said committee, reported:

The Committee of the Whole have had under consideration the proposed constitutional amendment, printed No. 429, entitled "To amend section 17 of article 1 of the Constitution, relating to the appointment of commissioners of codification," have gone through with the same, have made no amendments thereto, and

instructed the chairman to report the same to the Convention, and recommend its passage.

Mr. President put the question on the adoption of said report, and it was determined in the affirmative.

Mr. Forbes moved to reconsider said vote.

Mr. President put the question on said motion, and it was determined in the affirmative, two-thirds of all the Delegates voting Committee on Revision and Engrossment.

Mr. C. H. Truax moved that General Order No. 45, printed No. 422, entitled "Proposed constitutional amendment to amend article 6 of the Constitution, relating to the judiciary," be taken up at this time in Committee of the Whole.

Mr. President put the question on said motion, and it was determined in the affirmative, two-thirds of all the Delegates voting in favor thereof.

The Convention went into Committee of the Whole, and, after some time spent therein, the hour of five o'clock having arrived, the President resumed the chair.

By unanimous consent, and on motion of Mr. Alvord, the judiciary article was made the subject for consideration for each and every session of the Convention until disposed of.

And the Convention took a recess until eight o'clock.

EVENING SESSION.

Eight o'clock, P. M.

The Convention again met.

Mr. Barhite moved to reconsider the vote on the motion of Mr. Alvord, making the consideration of the judiciary article, printed No. 422, permanent until disposed of, and that the motion lay on the table.

Mr. President put the question on the motion to lay on the table, and it was determined in the affirmative.

The Convention then proceeded in Committee of the Whole, and, after some time spent therein, the hour of ten o'clock having arrived, the President resumed the chair, and the Convention adjourned.

Tuesday, August 21, 1894.

The Convention met pursuant to adjournment.

Prayer by Rev. R. H. Shirley.

On motion of Mr. O'Brien, the reading of the Journal of Monday, August twentieth, was dispensed with.

Last Record appearing on the files of the members is August fourteenth.

Mr. Lyon presented the petition of Percy A. Goodyear and others, relative to inspection of reformatories, asylums, nurseries, etc.

Referred to the Committee on Charities.

Mr. Francis presented petition of manufacturers of plumbing materials to prohibit production of such material by convict labor.

Referred to Committee on State Prisons.

The following named delegates were excused from attendance, as follows: For last Saturday, Mr. Rowley; for to-day, Messrs. Gilbert, Meyenborg, Towns, Jenks and Ohmeis; for this afternoon, Wednesday and Thursday next, Mr. Cornwell; for Friday and Saturday next, Mr. Sanford; for next Monday, Mr. Campbell; for Saturday afternoon and Monday forenoon next, Mr. Maybee; Mr. Tekulsky, indefinitely; Mr. Fraser, during his illness; for Thursday and Friday, Mr. McIntyre; for Wednesday afternoon and Thursday, Mr. C. B. McLaughlin.

Pursuant to special order of the Convention, Mr. President called for final reports of the committees.

Mr. Vedder, from the Committee on Powers and Duties of the Legislature, to which was referred the resolution offered by Mr. A. H. Green, introduced a "Proposed constitutional amendment, relating to the divergence of the water of the Niagara river," which was read twice and referred to the Committee of the Whole:

Mr. Vedder also presented a written report from said committee on the same subject, which was ordered printed.

Mr. Vedder, from the Committee on Powers and Duties of the Legislature, to which was referred the proposed constitutional amendment introduced by Mr. Gilbert, introductory No. 385,

entitled "To amend section 6 of article 10, in relation to the time when the Legislature shall assemble," reported in favor of the passage of the same, which report was agreed to and said proposed constitutional amendment committed to the Committee of the Whole.

Mr. Root, from the Committee on Judiciary, to which was referred the proposed constitutional amendment introduced by Mr. I. S. Johnson, introductory No. 158, entitled "A proposed constitutional amendment to amend section 1 of article 12, relating to oaths of office," reported in favor of the passage of the same, which report was agreed to and said proposed constitutional amendment committed to the Committee of the Whole.

Mr. Root, from the Committee on Judiciary, introduced a proposed constitutional amendment, entitled "To amend section 2 by adding new sections relating to the use of money for political purposes," which was read twice and referred to the Committee of the Whole.

Mr. Lauterbach, from the Committee on Charities, reported a proposed constitutional amendment, entitled "To amend article 5 of the Constitution," introductory No. 392, printed No. 446, which was read twice and referred to the Committee of the Whole.

Mr. Lauterbach, from said committee, also made a written report on the same subject, which, on his motion, was ordered printed.

Mr. Hamlin, from the Committee on Printing, reported as follows:

Mr. President and Gentlemen of the Convention:

Your Committee on Printing, to which was referred a resolution for printing extra copies of the suffrage debates, respectfully report:

We find quite a number of Delegates, and that number not confined to those who made speeches upon the subject, who would like the debates upon the question of woman suffrage complete and in convenient form for mailing to constituents who are especially interested. Fortunately, those debates were all comprised in four evenings' proceedings when no other business was transacted. We deem it best to order only a limited number at this time. If more should be desired, more can be ordered hereafter at the same rate of cost. Each of the four evening debates made a form of only ten to twelve leaves, and, since the

type has already been set for the regular record, the cost of this order will be insignificant. We recommend the adoption of the following: '

"Resolved, That 1,000 copies of the debates, of Wednesday evening, August eighth; Thursday evening, August ninth; Tuesday evening, August fourteenth, and Wednesday evening, August fifteenth, be printed, and each four numbers comprising the four evenings' debates be stitched together with paper cover; these combined copies to be apportioned among delegates desiring them, by as nearly equal division as is practicable.

Mr. President put the question on the adoption of said report, and it was determined in the affirmative.

Mr. Goodelle, from the Committee on Suffrage, to which was referred the proposed constitutional amendment introduced by Mr. Roche, introductory No. 186, entitled "Proposed constitutional amendment to amend section 4 of article 2, to designate the courts in which persons may be naturalized, and providing for holding such courts at stated times," beg to be discharged from further consideration of the proposed amendment, and respectfully ask to have it referred to the Committee on Judiciary, and said amendment was so referred.

Mr. Smith moved that the Committee on Preamble be allowed one week more in which to make report on proposed constitutional amendment introduced by him, No. 236, introductory No. 234, entitled "To better protect the enjoyment of natural rights, and prohibit compulsory physical examinations in cases to recover damages for personal injuries."

Also, No. 379, introductory No. 367, entitled "To revise and amend section 6 of article 1 of the Constitution, for the better protection of the enjoyment of natural and personal rights."

Mr. President put the question on said motion, and it was determined in the affirmative.

Mr. Hottenroth asked the same, for the same committee, for the amendment offered by him, No. 352, introductory No. 343, entitled "To amend section 6 of article 1 of the Constitution, as to taking of property for public use."

Mr. President put the question on said motion, and it was determined in the affirmative.

Mr. McClure moved that the Committee on Forest Preservation have until Thursday next to make their final report.

Mr. President put the question on said motion, and it was determined in the affirmative.

Mr. Osborn moved that the Committee on Civil Service have their time extended until Mr. Gilbert is present to make a final report.

Mr. President put the question on said motion, and it was determined in the affirmative.

To the Honorable the Constitutional Convention:

The Committee on Railroads, Transportation and Electrical Transmission begs leave to report:

That they have considered all propositions by way of proposed amendments and resolutions referred to them, and have passed upon the same, and there is no further business before the committee.

All of which is respectfully submitted.

J. C. DAVIES,
Chairman.

Mr. Root called up the report of the Committee on Rules in words following:

"To amend Rule 7, by inserting after the word 'request,' in the fifth line, 'or any member may explain his vote for not exceeding three minutes.'"

Mr. President put the question on the adoption of said report, and it was determined in the affirmative.

Also the following:

"Strike out last sentence of Rule 29."

Mr. W. H. Steele moved to amend as follows:

Strike out the last paragraph and in place thereof add as follows:

"This question may be superseded by the motions to lay on the table, to commit or recommit, to postpone or to amend.

"If leave to sit again be refused, the question is lost."

Mr. Dickey moved the previous question.

Mr. President put the question on said motion, and it was determined in the affirmative.

Mr. President put the question on the motion of Mr. Steele, and it was determined in the negative.

Mr. President put the question on the adoption of the report of the committee, and it was determined in the affirmative.

Mr. Johnson, from the Committee on Cities, to which was referred the proposed constitutional amendment introduced by Mr. Banks, introductory No. 210, entitled "Proposed constitutional amendment to amend article 8 of the Constitution, relative to franchises in city streets and places," reported in favor of the passage of the same, with some amendments, which report was agreed to and said proposed constitutional amendment committed to the Committee of the Whole.

The Convention then went into Committee of the Whole, and, after some time spent therein, the hour of one o'clock having arrived, the First Vice-President, Mr. Alvord, took the chair, and the Convention took a recess until three o'clock.

AFTERNOON SESSION.

Three o'clock P. M.

The Convention again met.

The Convention proceeded in Committee of the Whole, and, after some time spent therein, the hour of five o'clock having arrived, the First Vice-President, Mr. Alvord, took the chair, and the Convention took a recess until eight o'clock.

EVENING SESSION.

Eight o'clock P. M.

The Convention again met.

The Convention proceeded in Committee of the Whole, and, after some time spent therein, the hour of ten o'clock having arrived, the First Vice-President, Mr. Alvord, took the chair, and the Convention adjourned.

Wednesday, August 22, 1894.

The Convention met pursuant to adjournment.

Prayer by Rev. Paul Birdsall.

On motion of Mr. O'Brien, the reading of the Journal of Tuesday, August twenty-first, was dispensed with.

By vote of the Convention, the following gentlemen were excused from attendance as follows: For to-day, Mr. Lauterbach; for Friday and Saturday next, Mr. Goodelle; from Friday noon until Monday evening next, Mr. Durfee; Mr. Burr, until recovery of illness in his family; for Saturday, Mr. Mulqueen.

Mr. Kellogg offered a resolution in words following:

"Resolved, That the Comptroller is respectfully requested to furnish the Convention at once with the list of the exempt property in the State called for by the Convention some time since, so far as the same is now completed by him."

Referred to the Committee on Finance and Taxation.

The last date of the Record appearing on the files of the members this day is of date of August sixteenth.

Mr. Gilbert, from the Committee on Industrial Interests, to which was referred the proposed constitutional amendment introduced by Mr. Kellogg, introductory No. 52, entitled "Proposed constitutional amendment to amend the Constitution relative to the liability of employers for injuries to employes;" also, one introduced by Mr. Coleman, introductory No. 130, entitled "Proposed constitutional amendment to amend the Constitution, concerning actions for damages for negligence," reported in favor of the passage of the same, with some amendments, which report was agreed to and said proposed constitutional amendment committed to the Committee of the Whole.

Mr. Gilbert, from the Committee on Industrial Interests, to which was referred the proposed constitutional amendment introduced by Mr. Springweiler, introductory No. 58, entitled "Proposed constitutional amendment to amend section 6, article 1 of the Constitution, relating to conspiracy," reported in favor of the passage of a substitute therefor, which report was agreed to and said substitute committed to the Committee of the Whole.

Mr. Gilbert, from the Committee on Industrial Interests, to which was referred the proposed constitutional amendment introduced by Mr. Tucker, introductory No. 315, entitled "Proposed constitutional amendment to amend article 1 of the Constitution, by adding a new section thereto, relating to a lawful day's work, to the employment of women and minors, and to unsanitary labor in tenement houses," reported adversely thereto, which report was agreed to.

Mr. Barrow moved that the Special Order previously made for this morning, being the adverse report of the Committee on Powers and Duties of the Legislature on the proposed constitutional amendment relating to two-thirds bills, printed No. 81, introductory No. 81, be made a special order immediately after the consideration of the judiciary amendment.

Mr. President put the question on said motion, and it was determined in the affirmative, two-thirds of all the members elected to the Convention voting in favor thereof.

Mr. Davies, from the Committee on Railroads, to which was referred the proposed constitutional amendment introduced by Mr. Cornwell, introductory No. 363, entitled "Proposed constitutional amendment to prevent discrimination in rates or charges either by railroad, telegraph or telephone companies, corporations or common carriers doing business within the bounds of the State," reported in favor of the passage of the same, with some amendments; several members of the committee dissenting from the report, which report was agreed to, and said amendment committed to the Committee of the Whole.

The Convention then proceeded in Committee of the Whole, and, after some time spent therein, the hour of one o'clock having arrived, the President resumed the chair, and the Convention took a recess until three o'clock.

AFTERNOON SESSION.

Three o'clock P. M.

The Convention again met.

First Vice-President, Mr. Alvord, in the chair.

The Convention again proceeded in Committee of the Whole, and, after some time spent therein, the hour of five o'clock having arrived, the First Vice-President resumed the chair, and the Convention took a recess until eight o'clock.

EVENING SESSION.

Eight o'clock P. M.

The Convention again met.

First Vice-President, Mr. Alvord, in the chair.

The Convention again proceeded in Committee of the Whole, and, after some time spent therein, the hour of ten o'clock having arrived, the First Vice-President resumed the chair, and the Convention adjourned.

Thursday, August 23, 1894.

The Convention met pursuant to adjournment.

First Vice-President Mr. Alvord in the chair.

Prayer by Rev. H. C. Searles.

On motion of Mr. Cookinham, the reading of the Journal of Wednesday, August twenty-second, was dispensed with.

By vote of the Convention, the following members were excused from attendance as follows: For to-day, Messrs. Kurth, Putnam; for Friday and Saturday, Messrs. McClure, Barrow and Pool; for Saturday afternoon and Monday, Messrs. Barhite, Church, Roche and Lyon; for Saturday and Monday, Mr. Nichols; for Saturday, Messrs. Wiggins, C. H. Lewis, Bush, Carter; for Saturday afternoon, Mr. Veeder; until Monday, Mr. Kellogg; during illness, Mr. Hawley.

The last Record appearing on the files of members to-day is of date, August sixteenth.

On motion of Mr. Giegerich, the privileges of the floor were extended to the Hon. John J. Blair and his associates of the Old Volunteer Fire Department of New York city.

Mr. Johnson, from the Committee on Cities, to which was recommitted the proposed constitutional amendment introduced by the Committee on Cities, introductory No. 369, entitled "Proposed constitutional amendment to provide home rule for cities," reported in favor of the passage of the same with some amendments, which report was agreed to, and said proposed constitutional amendment restored to its place on General Orders.

Mr. A. H. Green moved that the Journal be corrected regarding his vote on the adverse report of the Committee on Suffrage, relating to woman suffrage, to be found on page 499, of the Journal, August fifteenth, as he voted in the negative and is recorded in the affirmative.

Mr. President put the question on said motion, and it was determined in the affirmative.

Mr. Hedges, from the Committee on Militia, to which was referred the proposed constitutional amendment introduced by Mr. Cochran, introductory No. 333, entitled "Proposed constitutional amendment to amend article 11 of the Constitution, relating to the militia," reported in favor of the passage of the same with some amendments, which report was agreed to, and said proposed constitutional amendment committed to the Committee of the Whole. Also, returns proposed constitutional amendment No. 233, introduced by Mr. Tucker, the same being embodied in the foregoing amendment No. 333.

Mr. McClure, from the Special Committee on Forest Preservation, made a report (which was ordered printed), and, in connection therewith, presented a proposed constitutional amendment to amend the Constitution relative to forest preserves," which was read twice and referred to the Committee of the Whole.

And, on motion of Mr. McClure, and by unanimous consent, said amendment was made a special order for next Monday evening.

On motion of Mr. Gilbert, General Order No. 69, printed No. 448, introductory No. 130, entitled "Proposed constitutional amendment, relative to the liability of employers for injuries to employes;" also, General Order No. 70, printed No. 449, introductory No. 58, entitled "Proposed constitutional amendment

to amend article 6, relating to conspiracy," was ordered reprinted, correctly, retaining the same numbers throughout, and be placed on the files of the members in place of the ones now on the files.

The Convention then proceeded in Committee of the Whole, on the proposed constitutional amendment, printed No. 422, relating to the judiciary, and, after some time spent therein, the hour of one o'clock having arrived, the First Vice-President resumed the Chair, and the Convention took a recess until three o'clock.

AFTERNOON SESSION.

Three o'clock, P. M.

The Convention again met, the First Vice-President, Mr. Alvord, in the chair.

By unanimous consent, Mr. Holls, from the Committee on Education, made a report in writing relating to "Education and free common schools," which was ordered printed.

By unanimous consent, Mr. Root moved that 1,000 extra copies of said report be printed for the use of the members of the Convention.

Mr. President put the question on said motion, and it was determined in the affirmative.

The Convention then proceeded in Committee of the Whole, and, after some time spent therein, Mr. Acker, from said committee, reported in words following :

The Committee of the Whole have had under consideration the proposed constitutional amendment, printed No. 422, entitled "Proposed constitutional amendment to amend article 6 of the Constitution, relating to the judiciary," have gone through with the same, have made some amendments thereto, and instructed the chairman to report the same to the Convention, and recommend its passage.

The question being on agreeing to said report, Mr. Root moved to disagree with the report of the Committee of the Whole, and that said amendment be recommitted to the Committee of the Whole, retaining its place as a special order.

Mr. President put the question on said motion, and it was determined in the affirmative.

The Convention then again proceeded in Committee of the Whole, and, after some time spent therein, the hour of five o'clock having arrived, the President resumed the chair and the Convention took a recess until eight o'clock.

EVENING SESSION.

Eight o'clock, P. M.

The Convention again met, First Vice-President, Mr. Alvord, in the chair.

Mr. Root moved that the time of the session be extended until half past ten.

Mr. President put the question on said motion, and it was determined in the affirmative.

The Convention then again proceeded in Committee of the Whole, and, after some time spent therein, Mr. Acker, from said committee, reported in words following :

The Committee of the Whole have had under consideration the proposed constitutional amendment, printed No. 422, entitled "Proposed constitutional amendment to amend article 6 of the Constitution, relating to the judiciary," have gone through with the same, have made some amendments thereto, and instructed the chairman to report the same to the Convention, and recommend its passage.

The question being on agreeing with said report, Mr. Lincoln moved to recommit said amendment to the Committee on Judiciary, with instructions to amend as follows, and report forthwith as amended :

Substitute the following for the first paragraph of section 14, down to and including the word "defendant," in line 11, page 11:

The existing county courts are continued, and the judges thereof now in office, shall hold their offices until the expiration of their respective terms. In the county of Kings there shall be two county judges and the additional county judge shall be chosen at the next general election held after the adoption of this article. The successors of the several county judges shall be chosen by the electors of the counties for the term of six years. The county courts shall have general, original jurisdiction in law and equity in all cases where the defendant resides

in the county, subject to such appellate jurisdiction of the Supreme Court or Court of Appeals, as may be prescribed by law. Such county courts shall also have such appellate jurisdiction as may be provided by law, subject, however, to such provision as shall be made by law for the removal of causes into the Supreme Court. They shall also have such original jurisdiction as shall, from time to time, be conferred upon them by the Legislature.

Mr. President put the question on the motion of Mr. Lincoln, and it was determined in the negative.

Ayes — Messrs. Campbell, Carter, Church, Crosby, Emmet, Fields, Floyd, Frank, Augustus; Fuller, O. A.; Gibney, Gilleran, Green, A. H.; Johnson, I. Sam; Lincoln, Mantanye, McArthur, McKinstry, Meyenborg, Moore, Osborn, Speer, Springweiler, Towns, Vedder, Veeder, Woodward — 26.

Noes — Messrs. Acker, Ackerly, Alvord, Arnold, Baker, Banks, Barhite, Barrow, Becker, Bigelow, Baker, Bowers, Brown, E. A.; Bush, Cady, Cassidy, Clark, H. A.; Cochran, Cookinham, Davis, G. A.; Deady, Dean, Deterling, Deyo, Dickey, Doty, Durfee, Durnin, Faber, Fitzgerald, Foote, Forbes, Francis, Frank, Andrew; Fuller, C. A.; Giegerich, Gilbert, Goeller, Green, J. I.; Hamlin, Hecker, Hedges, Hill, Holcomb, Holls, Hottenroth, Jenks, Johnson, J.; Johnston, R. M.; Kerwin, Kimmey, Kinkel, Kurth, Lester, Lewis, M. E. Lyon, Manley, Marks, Marshall, Maybee, McLaughlin, J. W.; McMillan, Morton, Mulqueen, Nichols, W. H.; Nostrand, O'Brien Ohmeis, Parkhurst, Phipps, Platzek, Pool, Pratt, Roche, Root, Rowley, Sandford, Sullivan, T. A.; Titus, Truax, C. H.; Turner, Vogt, Whitmyer, Williams, President — 85.

Mr. Alvord moved the previous question.

Mr. President put the question on said motion, and it was determined in the affirmative.

Mr. President put the question on the adoption of said report, and it was determined in the affirmative.

Ayes — Messrs. Acker, Ackerly, Alvord, Arnold, Banks, Barhite, Barrow, Becker, Bigelow, Bowers, Brown, E. A.; Brown, E. R.; Bush, Cady, Church, Clark, H. A.; Cookinham, Davies, J. C.; Davis, G. A.; Deady, Dean, Deterling, Dickey, Doty, Durfee, Durnin, Emmet, Faber, Fields, Fitzgerald, Floyd, Foote, Francis, Frank, Andrew, Frank, Augustus; Fuller, C. A.; Fuller, O. A.; Gibney,

Giegerich, Goeller, Green, J. I.; Hamlin, Hecker, Hedges, Hill, Holcomb, Holls, Hottenroth, Jenks, Johnson, J.; Johnston, R. M.; Kerwin, Kimmey, Kinkel, Kurth, Lauterbach, Lester, Lewis, M. E.; Lyon, Manley, Marks, Marshall, Maybee, McDonough, McLaughlin, J. W.; McMillan, Moore, Morton, Mulqueen, Nichols, W. H.; Nicoll, De L.; Nostrand, O'Brien, Ohmeis, Osborn, Parkhurst, Peabody, Phipps, Platzek, Pool, Powell, Roche, Root, Rowley, Springweiler, Steele, A. B.; Sullivan, T. A.; Titus, Truax, C. H.; Turner, Vedder, Vogt, Williams, Woodward; President — 95.

Noes — Messrs. Baker, Blake, Campbell, Cochran, Crosby, Deyo, Forbes, Gilleran, Green, A. H.; Lincoln, Mantanye, McArthur, McKinstry, Meyenborg, Sandford, Speer, Steele, W. H.; Towns, Veeder — 19.

And said amendment was referred to the Committee on Revision and Engrossment.

And at 10.30 the Convention adjourned.

Friday, August 24, 1894.

The Convention met pursuant to adjournment.

Prayer by Rev. A. K. Duff.

On motion of Mr. A. H. Green, the reading of the Journal of Thursday, August twenty-third, was dispensed with.

Mr. President presented a communication from the Attorney-General, in response to the resolution of Mr. C. B. McLaughlin, relative to the number of causes tried before the Board of Claims during the past five years.

On motion of Mr. McLaughlin, the same was ordered printed.

By vote of the Convention, the following members were excused from attendance, as follows: For Friday afternoon and Saturday, Messrs. Vedder, Peabody, M. E. Lewis; for Saturday, Messrs. Mereness, Banks; for Saturday and Monday, Messrs. Baker, Gibney, C. H. Davis, J. I. Green; for Friday afternoon, Mr. M. E. Lewis; for Monday and Tuesday, Mr. Crosby; for this evening, Mr. Kimmey.

The last Record appearing upon the files of members to-day is of date, August seventeenth.

Mr. President presented a communication from the Comptroller, in response to the resolution of Mr. Roche, giving information relative to the lands owned by the State other than the Salt Springs Reservation, and other special tracts, in words following:

STATE OF NEW YORK:

COMPTROLLER'S OFFICE,
August 23, 1894. }

To the Constitutional Convention:

In reply to the following resolution of your honorable body, adopted July twentieth, last:

“Resolved, That the Comptroller be and he is hereby requested to transmit to this Convention a statement of what land other than the forest preserves, the canals, the salt springs, and the lands upon which public buildings are erected, are owned by the State of New York, the estimated value of said property, what income is derived from the same, and where situated, and what provision, if any, in his opinion, should be made for disposing of said property;”

I have the honor to transmit herewith the statement requested, which has been prepared under considerable difficulty, arising from want of information on some points, and from the pressure of business incident to this season of the year, but which has been made as full and accurate as the limited time given me would permit.

The list of such lands, so far as the title thereto has been obtained through tax sales and the foreclosure of Loan Commissioners' mortgages, records of which are on file in this office, is complete. The remainder of the list, which has necessarily been obtained from other departments and sources, has been compiled with care, and is believed to be complete.

The value of most of these lands is unknown to me. The estimate given, where title has been derived through tax sales, is largely based on assessed values; where title has been obtained through mortgage foreclosures, on the appraisal made at the time of the foreclosure sale; and in other cases, from inquiry of residents of the town or county in which the lands are located. The estimates made, if not correct, are approximately so.

The income derived from such of the properties as are leased, or used for any purposes, is in accordance with official reports

to this department. The sale of such of said lands as are uncultivated, and within ten miles of Clinton prison, is prohibited by chapter 208, Laws of 1894, which law, in my opinion, confers ample and safe powers upon the Commissioners of the Land Office to dispose of these lands. A forced sale at any particular time, like the present, might be prejudicial to the best interests of the State. From such attention as I have given to the subject, I am convinced that no additional legislation authorizing the sale thereof is required.

Respectfully submitted,

WILLIAM J. MORGAN,

Deputy Comptroller.

On motion of Mr. Roche said communication was ordered printed.

Mr. Jacobs moved to take from the table the resolution previously offered by him, in words following:

Whereas, The Delegates to this Convention from the Sixth Senatorial district, were unjustly deprived of their seats and prevented from taking any part in the deliberations of this body, during the period from May 8, 1894, to August 2, 1894; and,

Whereas, The said Delegates have made demand upon the proper disbursing officer of this Convention, for their mileage and per diem allowance, as provided by law for said period, which demand has been refused; now, therefore, be it

Resolved, That the said Delegates from the Sixth Senatorial district, are entitled to the mileage provided by law, and to the per diem allowance of ten dollars, for every day during the period from May 8, 1894, to and including August 2, 1894, and that the President of this Convention be, and hereby is, requested to certify the amount thereof to the State Comptroller for payment.

Mr. President put the question on taking from the table, and it was determined in the affirmative.

On motion of Mr. Jacobs said resolution was referred to the Committee on Contingent Expenses.

Mr. J. Johnson moved that General Order No. 13, introductory No. 369, printed No. 451, relating to home rule for cities, be made a special order for next Monday morning, and that the consideration be continued until disposed of.

Mr. Hotchkiss moved to strike out "Monday" and insert in lieu thereof "Tuesday."

Mr. President put the question on the motion of Mr. Hotchkiss, and it was determined in the negative.

Mr. President put the question on the motion of Mr. J. Johnson, and it was determined in the affirmative, two-thirds of all the members elected voting in favor thereof.

Mr. McKinstry offered a resolution in words following:

Resolved, That upon Saturday, a session of three hours be held, from nine A. M. until noon, and that the Convention then adjourn until Monday morning.

Referred to the Committee on Rules.

Mr. Barhite moved that General Order No. 63, introductory No. 390, printed No. 442, relating to the diversion of the waters of Niagara river, be made a special order for next Thursday evening.

Mr. President put the question on the motion of Mr. Barhite, and it was determined in the affirmative, two-thirds of all the members elected voting in favor thereof.

Mr. President announced the Special Order, being the adverse report of the Committee on Legislative Powers and Duties, introductory No. 81, printed No. 81, in regard to two-third bills.

Mr. Barrow then moved that said report be made a Special Order for next Wednesday evening.

Mr. President put the question on the motion of Mr. Barrow, and it was determined in the affirmative, two-thirds of all the members elected voting in favor thereof.

Mr. Becker moved that the time for the Committee on Legislative Organization to report on apportionment, be extended to Monday evening next.

Mr. President put the question on the motion of Mr. Becker, and it was determined in the affirmative.

Mr. Goeller offered a resolution in words following:

Resolved, That meetings (as now arranged) of this Convention upon Saturday be changed, and that but one session be held; same to endure five hours, from nine A. M. until two P. M., and that the rule obtain that thereupon the Convention adjourn until

ten o'clock the following Monday morning. This to apply to Saturday sessions only.

Referred to Committee on Rules.

The Convention went into Committee of the Whole, and, after some time spent therein, Mr. Veeder, from said committee, reported in words following:

The Committee of the Whole have had under consideration the proposed constitutional amendment, printed No. 381, entitled "To amend section 5 of article 2, relating to the manner of elections," have gone through with the same, have made no amendment thereto, and instructed the chairman to report to the Convention, and recommend its passage.

Mr. President put the question on the adoption of said report, and it was determined in the affirmative.

Ayes — Messrs. Abbott, Ackerly, Allaben, Alvord, Arnold, Baker, Barhite, Barnum, Becker, Cady, Carter, Chipp, Jr.; Clark, G. W.; Clark, H. A.; Cochran, Coleman, Cookinham, Davis, G. A.; Deterling, Dickey, Doty, Durfee, Faber, Floyd, Foote, Forbes, Frank, Augustus; Fraser, Fuller, C. A.; Fuller, O. A.; Galinger, Gibney, Giegerich, Gilbert, Green, A. H.; Hecker, Hedges, Hill, Holls, Hottenroth, Jenks, Johnson, I. Sam; Johnson, J.; Johnston, R. M.; Lauterbach, Lester, Lewis, M. E.; Manley, Mantanye, Marshall, Maybee, McDonough, McLaughlin, C. B.; McMillan, Moore, Nichols, W. H.; Nicoll, De L.; Nostrand, O'Brien, Osborn, Parker, Parkhurst, Pashley, Phipps, Platzek, Porter, Powell, Pratt, Putnam, Redman, Roche, Root, Springweiler, Steele, A. B.; Steele, W. H.; Storm, Sullivan, T. A.; Tibbetts, Towns, Turner, Vedder, Vogt, Wellington, Wiggins — 84.

Noes — Messrs. Acker, Banks, Bigelow, Blake, Bowers, Brown, E. R.; Campbell, Cassidy, Church, Crosby, Danforth, Deady, Dean, Deyo, Durnin, Emmet, Farrell, Fields, Frank, Andrew; Gilleran, Goeller, Green, J. I.; Griswold, Hamlin, Hirschberg, M. H.; Holcomb, Jacobs, Kimmey, Kinkel, Lewis, C. H.; Lincoln, Lyon, Marks, McCurdy, McKinstry, McLaughlin, J. W.; Mereness, Meyenborg, Morton, Mulqueen, Ohmeis, Parmenter, Peck, Rogers, Schumaker, Smith, Speer, Spencer, Sullivan, W.; Tekulsky, Titus, Traux, C. S.; Tucker, Veeder, Whitmyer, Williams, Woodward, President — 58.

And said amendment was referred to the Committee on Revision and Engrossing.

The Convention went into Committee of the Whole, and, after some time spent therein, Mr. E. R. Brown, from said committee, reported in words following:

The Committee of the Whole have had under consideration the proposed constitutional amendment, printed No. 396, entitled "To amend article 3, relating to the passage of laws," have made some progress in the same, and have instructed the chairman to report adversely thereto.

Mr. President put the question on the adoption of said report, and it was determined in the affirmative.

Ayes — Messrs. Abbott, Acker, Ackerly, Alvord, Banks, Barnum, Bigelow, Brown, E. R.; Cady, Cassidy, Chipp, Jr.; Church, Clark, G. W.; Clark, H. A.; Crosby, Danforth, Deady, Dean, Deterling, Dickey, Doty, Durnin, Emmet, Faber, Fields, Floyd, Foote, Frank, Augustus; Fuller, C. A., Fuller, O. A.; Galinger, Gilbert, Goeller, Griswold, Hamlin, Hecker, Hedges, Hirschberg, M. H.; Holls, Hotchkiss, Jacobs, Johnson, I. Sam; Johnston, R. M.; Kinkel, Lauterbach, Lester, Lewis, C. H.; Lyon, Manley, Marshall, Maybee, McCurdy, McKinstry, McLaughlin, C. B.; McLaughlin, J. W.; McMillan, Morton, Nichols, W. H.; Nicoll, De L.; Nostrand, O'Brien, Ohmeis, Osborn, Parker, Parkhurst, Parmenter, Pashley, Phipps, Platzek, Porter, Pratt, Redman, Root, Schumaker, Spencer, Steele, A. B.; Steele, W. H.; Tekulsky, Tibbetts, Truax, C. S.; Wellington, Woodward, President — 83.

Noes — Messrs. Barhite, Blake, Bowers, Campbell, Cochran, Coleman, Deyo, Farrell, Forbes, Frank, Andrew; Gibney, Giegerich, Gilleran, Green, A. H.; Green, J. I.; Hottenroth, Jenks, Kimmey, Marks, McDonough, Mulqueen, Powell, Roche, Rogers, Smith, Springweiler, Titus, Towns, Truax, C. H.; Tucker, Turner, Vedder, Vogt — 33.

Mr. Hamlin moved to reconsider the vote by which the communication from the Comptroller, relating to lands owned by the State, other than the salt lands and other specified tracts, was ordered printed.

Mr. President put the question on the motion of Mr. Hamlin, and it was determined in the affirmative.

Mr. President put the question on the motion of Mr. Roche, to print, and it was determined in the negative.

The hour of one o'clock having arrived, the Convention took a recess until three o'clock.

AFTERNOON SESSION.

Three o'clock, P. M.

The Convention again met.

The Convention went into Committee of the Whole, and, after some time spent therein, Mr. C. H. Truax, from said committee, reported in words following:

The Committee of the Whole have had under consideration the proposed constitutional amendment, printed No. 317, entitled "To amend article 2 of the Constitution, relative to suffrage," have made some progress in the same, but not having gone through therewith, have instructed the chairman to report that fact to the Convention, and ask leave to sit again.

Mr. President put the question on granting leave, and it was determined in the affirmative.

Mr. Bowers moved that said amendment be made a Special Order for to-morrow morning.

Mr. President put the question on the motion of Mr. Bowers, and it was determined in the affirmative, two-thirds of all the Delegates voting in favor thereof.

The Convention went into Committee of the Whole, and, after some time spent therein, Mr. Bowers, from said committee, reported in words following:

The Committee of the Whole have had under consideration the proposed constitutional amendment, printed No. 384, entitled "To amend article 1 of the Constitution, against public officers riding on passes," have gone through with the same, have made some amendments thereto, and instructed the chairman to report the same to the Convention, and recommend its passage.

Mr. President put the question on the adoption of said report, and it was determined in the affirmative.

And said amendment was referred to the Committee on Revision and Engrossment.

And the hour of five o'clock having arrived, the Convention took a recess until eight o'clock.

EVENING SESSION.

Eight o'clock, P. M.

The Convention again met.

Mr. Pratt moved that the Committee on Rules be instructed to report a rule pending that one session of the Convention be held on Saturday of each week, beginning at nine o'clock, and ending at twelve o'clock, and that at five minutes before twelve the roll be called, and every member not present and not having been excused, shall be fined twenty dollars, to be deducted from his per diem allowance.

Referred to Committee on Rules.

Mr. Powell offered a resolution in words following:

Resolved, That any member of this Convention who shall hereafter ride upon or use a free pass, or ticket, over any railroad, steamboat, or street car line, shall not receive his per diem for the remaining time during which the Convention shall remain in session,

Mr. Cookinham moved to lay said resolution on the table.

Mr. President put the question on the motion of Mr. Cookinham, and it was determined in the affirmative.

The Convention went into Committee of the Whole, and, after some time spent therein, Mr. Cookinham, from said committee, reported in words following:

The Committee of the Whole have had under consideration the proposed constitutional amendment, printed No. 388, entitled "To amend the Constitution, in relation to the title of bills," have made some progress in the same, and have instructed the chairman to report adversely thereto.

Mr. J. Johnson moved to lay said report upon the table.

Mr. President put the question on the motion of Mr. Johnson, and it was determined in the affirmative.

Mr. Barhite moved that the Committee of the Whole be discharged from the further consideration of General Order No. 22, printed No. 389, introductory [No. 120, entitled "To amend section 6 of article 1, giving the Legislature power to pass certain laws," and that the same be rejected.

Mr. President put the question on the motion of Mr. Barhite, and it was determined in the affirmative.

Mr. Root, from the Committee on Rules, on the resolution introduced by Mr. I. S. Johnson, reported in words following:

Resolved, That the Committee on Rules be requested to report an amendment to Rule 21, by adding after the word day, in the sixth line, the following words, "and if not so moved on a second call it shall go to the foot of the calendar of General Orders."

Amendment to Rule 21, as follows: In line 6, strike out "lose its precedence for the day," and insert instead, "go to the foot of the calendar of General Orders."

Mr. Dickey moved that said amendment go into effect on Tuesday morning next.

Mr. J. W. McLaughlin moved the previous question.

Mr. President put the question on the motion of Mr. McLaughlin, and it was determined in the affirmative.

Mr. President put the question on the motion of Mr. Dickey, and it was determined in the affirmative.

Mr. President put the question on the adoption of the report, and it was determined in the affirmative.

Mr. Holls moved that General Order No. 61, printed No. 439, introductory No. 388, entitled "To amend article 9, relating to the free common schools," be made a Special Order for Monday and succeeding days immediately after the consideration of the report of the Committee on Cities, relating to home rule for cities.

Mr. President put the question on the motion of Mr. Holls, and it was determined in the affirmative, two-thirds of all the Delegates elected voting in favor thereof.

Mr. Root, from the Committee on Rules, reported adversely on the resolution offered by Mr. Pratt, in words following:

"Resolved, That the Committee on Rules be instructed to report a rule providing that one session of the Convention be held on Saturday of each week, beginning at nine o'clock, and ending at twelve o'clock, and that at five minutes before twelve, the roll be called, and every member not present and not having been excused, shall be fined twenty dollars, to be deducted from his per diem allowance."

Mr. President put the question on the adoption of said report of the committee, and it was determined in the affirmative.

The Convention went into Committee of the Whole, and, after some time spent therein, the hour of ten having arrived, the President resumed the chair, and the Convention adjourned.

Saturday, August 25, 1894.

The Convention met pursuant to adjournment.

Prayer by Rev. A. K. Duff.

On motion of Mr. A. H. Green, the reading of the Journal of Friday, August twenty-fourth, was dispensed with.

Last Record appearing on the files of the members is of date of Friday evening, August seventeenth.

By vote of the Convention, the following delegates were excused from attendance, as follows: This afternoon, Messrs. Goeller, Giegerich, Forbes, Galinger, Nostrand, Allaben; for to-day, Messrs. De L. Nicoll, Andrew Frank; for Monday, Messrs. McKinstry, G. W. Clark, Foote, Platzek; for Monday morning Mr. Moore.

The Convention went into Committee of the Whole, and, after some time spent therein, the hour of one o'clock having arrived, Mr. President resumed the chair, and the Convention took a recess until three o'clock.

AFTERNOON SESSION.

Three o'clock, P. M.

The Convention again met.

The Convention again went into Committee of the Whole, and, after some time spent therein, Mr. Dean from said committee, reported in words following:

The Committee of the Whole have had under consideration the proposed constitutional amendment, printed No. 392, entitled "To amend article 3 of the Constitution, by adding a section to provide for the occupation and employment of prisoners in the State prisons, penitentiaries, jails and reformatories in the State," have gone through with the same, have made no amendments thereto, and instructed the chairman to report the same to the Convention, and recommended its passage.

Mr. Abbott moved to lay said report on the table.

Mr. President put the question on the motion of Mr. Abbott, and it was determined in the negative.

Mr. President put the question on the adoption of said report, and it was determined in the affirmative.

Ayes — Messrs. Ackerly, Arnold, Barnum, Becker, Blake, Bowers, Campbell, Cochran, Coleman, Crosby, Davenport, Dickey, Floyd, Francis, Frank, Augustus; Fraser, Fuller, C. A.; Fuller, O. A.; Gilleran, Green, A. H.; Hecker, Hill, Holcomb, Holls, Hottenroth, Jacobs, Johnson, I. Sam; Johnson, J.; Kerwin, Kinkel, Kurth, Marks, McArthur, McDonough, McKinstry, Meyenborg, Moore, Morton, Ohmeis, Parker, Peabody, Peck, Platzek, Porter, Powell, Rogers, Smith, Speer, Springweiler, Sullivan, T. A.; Titus, Truax, C. H.; Truax, C. S.; Tucker, Turner, Vogt, Williams, Woodward — 58.

Noes — Messrs. Abbott, Alvord, Bigelow, Brown, E. A.; Cady, Clark, H. A.; Deady, Dean, Doty, Emmet, Farrell, Gilbert, Griswold, Hamlin, Hawley, Manley, Marshall, McIntyre, McLaughlin, C. B.; McLaughlin, J. W.; O'Brien, Osborn, Parkhurst, Phipps, Pratt, Putnam, Rowley, Spencer, Steele, A. B.; Steele, W. H.; Tibbetts, Wellington, President — 33.

And said amendment was referred to the Committee on Revision and Engrossment.

Mr. Gilbert moved that the Convention go into Committee of the Whole on General Order No. 65.

Mr. President put the question on the motion of Mr. Gilbert, and it was determined in the affirmative.

The Convention went into Committee of the Whole, and, after some time spent therein, Mr. Platzek, from said committee, reported in words following:

The Committee of the Whole have had under consideration the proposed constitutional amendment, printed No. 444, entitled "To amend section 6 of article 10, in relation to the time when the legislature shall assemble," have gone through with the same, have made no amendments thereto, and instructed the chairman to report the same to the Convention, and recommend its passage.

Mr. President put the question on the adoption of said report, and it was determined in the affirmative.

And said amendment was referred to the Committee on Revision and Engrossment.

On motion of Mr. Bigelow, at 4.45, the Convention adjourned.

Monday, August 27, 1894.

The Convention met pursuant to adjournment.

No clergyman present.

On motion of Mr. Lincoln, the reading of the Journal of Saturday, August twenty-fifth, was dispensed with.

The last Record appearing upon the files of the members, is of date of Saturday, August 18, 1894.

By vote of the Convention, the following delegates were excused from attendance as follows: Mr. Deyo, for Saturday last; Messrs. Ohmeis, E. A. Brown, O'Brien, Alvord, to-day; Mr. Powell, to-morrow; Mr. Lincoln, Thursday, until Monday; Mr. Turner, Friday, until Tuesday; Messrs. Hill, O. A. Fuller, Ackerly, Saturday and Monday next; Mr. Porter, Friday and Saturday; Mr. H. A. Clark, Saturday afternoon and Monday; Mr. C. S. Truax, this week; Mr. Acker, indefinitely, on account of sickness in his family; Mr. Truax, this week; Mr. E. A. Brown, to-day; Mr. O'Brien, to-day; Mr. Moore, this evening; Mr. Cornwell, Tuesday and Wednesday; Mr. Williams, to-day; Mr. Mantanye, Wednesday and Thursday.

The Convention went into Committee of the Whole, and, after some time spent therein, Mr. C. H. Truax, from said committee, reported as follows:

The Committee of the Whole have had under consideration the proposed constitutional amendment, printed No. 317, entitled "To amend article 2, relative to suffrage," have gone through with the same, have made some amendments thereto, and instructed the chairman to report the same to the Convention, and recommend its passage.

Mr. Dean moved to disagree with said report, and that the amendment be printed and recommitted to the Committee of the Whole.

Mr. President put the question on the motion of Mr. Dean, and it was determined in the negative.

Mr. President put the question on the adoption of said report, and it was determined in the affirmative, and said amendment was then referred to the Committee on Revision and Engrossment.

Mr. Davenport, from the Committee on Cities, presented a minority report on the proposed constitutional amendment, "To

provide home rule for cities," printed No. 451, introductory No. 369, General Order No. 13, which was ordered printed.

The Convention went into Committee of the Whole, and, after some time spent therein, the hour of one o'clock having arrived, the President resumed the chair, and the Convention took a recess until three o'clock.

AFTERNOON SESSION.

Three o'clock, P. M.

The Convention again met, and proceeded into Committee of the Whole, and, after some time spent therein, the hour of five o'clock having arrived, the President resumed the chair, and the Convention took a recess until eight o'clock.

EVENING SESSION.

Eight o'clock, P. M.

The Convention again met, and proceeded into Committee of the Whole, and, after some time spent therein, Mr. I. S. Johnson, from said committee, reported as follows:

The Committee of the Whole have had under consideration the proposed constitutional amendment, printed No. 451, entitled "To provide home rule for cities," have made some progress in the same, but not having gone through therewith, have instructed the chairman to report that fact to the Convention, and asked leave to sit again.

Mr. President put the question on granting leave to sit again, and it was determined in the affirmative.

The Convention again proceeded into Committee of the Whole, and, after some time spent therein, Mr. I. S. Johnson, from said committee, reported as follows:

The Committee of the Whole have had under consideration the proposed constitutional amendment, printed No. 451, entitled "To provide home rule for cities," reported progress in same, and asked leave to sit again.

Mr. President put the question on granting leave, and it was determined in the affirmative.

Mr. Becker, also, from the Committee on Legislative Organization, to which was referred the proposed constitutional amend-

ment, introduced by Mr. E. R. Brown, introductory No. 376, entitled "Proposed constitutional amendment to amend article three (3), relating to apportionments of Senate and Assembly districts," reports in favor of the passage of the same with some amendments, which report was agreed to and said proposed constitutional amendment committed to the Committee of the Whole.

Mr. Becker, from the Committee on Legislative Organization, to which was referred the proposed constitutional amendment, introduced by Mr. E. R. Brown, introductory No. 376, reported in writing.

Messrs. Giegerich, Bush and Osborn dissenting.

Mr. Durfee moved that the report of said committee and the said proposed constitutional amendment be printed and placed on the files of the members.

Debate being had thereon, Mr. Root moved the previous question.

Pending the question, the hour of ten o'clock having arrived, the Convention adjourned.

Tuesday, August 28, 1894.

The Convention met pursuant to adjournment.

Prayer by Rev. John McIsaac.

On motion of Mr. O'Brien, the reading of the Journal of Monday, August twenty-seventh, was dispensed with.

Mr. President stated the pending question, at the hour of adjournment last evening, to be upon the motion of Mr. Durfee to print the proposed constitutional amendment "To amend article 3, relating to the apportionment of the Senate and Assembly districts," introduced by Mr. E. R. Brown, introductory No. 376, made by the Committee on Legislative Organization, and the written report of said committee accompanying the same, upon which Mr. Root moved the previous question.

Mr. Bowers called for the reading of the amendment as reported.

Mr. Holcomb moved that the reading of the amendment be suspended until he had an opportunity to ask the chairman of the committee some questions.

Mr. President put the question on the motion of Mr. Holcomb, and it was determined in the negative, and the reading of the amendment was proceeded with.

Mr. McMillan moved that the further reading of the amendment be dispensed with, and on that motion moved the previous question.

Mr. Bowers raised the point of order that the reading of the amendment could not be interrupted by any motion.

Mr. President decided the point of order well taken.

Mr. McMillan appealed from the decision of the Chair.

Mr. Holcomb moved to lay the appeal on the table.

Mr. President put the question on the motion to lay on the table, and it was determined in the affirmative.

The reading was then proceeded with until finished.

Mr. President then put the question on the motion of Mr. Root for the previous question, and it was determined in the affirmative.

Mr. President then put the question on the motion of Mr. Durfee, and it was determined in the affirmative.

Mr. Becker moved that said amendment be made a Special Order for next Tuesday morning.

Mr. President put the question on said motion, and it was determined in the affirmative, two-thirds of all the members elected voting in favor thereof.

Mr. Becker, from the Committee on Legislative Organization, to which was referred the proposed constitutional amendment introduced by Mr. Hill, introductory No. 131, entitled "Proposed constitutional amendment to amend section 8 of article 3 of the Constitution, relating to the eligibility of persons to a seat in the Legislature," reported in favor of the passage of a substitute therefor, which report was agreed to, and said substitute committed to the Committee of the Whole.

Mr. Becker, from the Committee on Legislative Organization, to which was referred the proposed constitutional amendment introduced by Mr. Marks, introductory No. 16, entitled "Proposed constitutional amendment to amend section 6 of article 3 as to pay of members of the Legislature," reported in favor of the passage of a substitute therefor, which report was agreed to, and said substitute committed to the Committee of the Whole.

Mr. Morton dissented from said report.

Mr. President presented a communication from the Comptroller in response to the resolution of the Convention of June twenty-first, showing the property in the State exempt from taxation.

Referred to the Committee on State Finances and Taxation.

On motion of Mr. Kellogg the same was ordered printed for the use of the Convention.

On motion of Mr. Holcomb the privileges of the floor were extended to the Hon. John Connolly, of New York city, formerly Member of Assembly.

The last Record appearing upon the files of members to-day, is of date August twentieth.

By vote of the Convention, the following members were excused from attendance, as follows: Mr. Hotchkiss until the thirty-first; Mr. Dickey for the thirty-first P. M. and September first; Mr. Durfee for the twenty-ninth P. M. and the thirtieth; Mr. Alvord for to-day; Mr. T. A. Sullivan for August thirty-first and September first; Mr. Crosby for August twenty-ninth and thirtieth; Mr. M. E. Lewis for September first; Mr. Jenks for September first; Mr. Coleman for September first, third and fourth; Mr. Gilbert for September first and third; Mr. Giegerich for September first and third; Mr. Mulqueen for September first and third; Mr. Jacobs for September third and fourth; Mr. Storm for August thirty-first and September first; Mr. Cochran for September first; Mr. Woodward for September first and third; Mr. Maybee for September first P. M. and third A. M.; Mr. Deady for September first and third P. M.; Mr. J. W. McLaughlin for August twenty-eighth.

The Convention went into Committee of the Whole, and, after some time spent therein, the hour of one o'clock having arrived the President resumed the chair, and the Convention took a recess until three o'clock.

AFTERNOON SESSION.

Three o'clock, P. M.

The Convention again met, and proceeded in Committee of the Whole, and, after some time spent therein, the President resumed the chair, and the Convention took a recess until eight o'clock.

EVENING SESSION.

Eight o'clock, P. M.

The Convention again met.

Mr. W. H. Steele, Second Vice-President, in the chair.

Mr. J. C. Davies raised the question that no quorum was present.

The President directed the Secretary to call the roll to ascertain if a quorum was present; when the following Delegates answered to the call of their names:

Messrs. Ackerly, Arnold, Baker, Banks, Blake, Brown, E. R.; Bush, Cady, Church, Clark, G. W.; Clark, H. A.; Cochran, Coleman Cookinham, Countryman, Danforth, Deady, Dean, Deterling, Dickey, Doty, Durfee, Emmet, Faber, Farrell, Floyd, Frank, Augustus; Fuller, C. A.; Fuller, O. A.; Galinger, Gibney, Giegerich, Gilbert, Goodelle, Green, A. H.; Green, J. I.; Hamlin, Hawley, Hecker, Hedges, Hirschberg, M. H.; Hottenroth, Jacobs, Jenks, Johnson, I. Sam; Johnson, J.; Johnston, R. M.; Kellogg, Kimmey, Kinkel, Lester, Lewis, M. E.; Lincoln, Lyon, Manley, Mantanye, Marks, Marshall, Maybee, McArthur, McDonough, McIntyre, McKinstry, McLaughlin, J. W.; Mereness, Meyenborg, Moore, Morton, Mulqueen, Nichols, W. H.; Nostrand, O'Brien, Osborn, Parker, Parmenter, Pashley, Peck, Phipps, Platzek, Pool, Pratt, Redman, Roche, Sandford, Smith, Springweiler, Steele, W. H.; Storm, Sullivan, T. A.; Sullivan, W.; Tekulsky, Titus, Tucker, Veeder, Wellington, Whitmyer, Woodward, President.

Mr. M. E. Lewis moved that when the Convention adjourns on Saturday, it be to meet on Tuesday morning at ten o'clock, and on that moved the previous question.

Mr. President put the question on the motion for the previous question, and it was determined in the negative.

Mr. President put the question on the motion of Mr. M. E. Lewis, for adjournment, and it was determined in the negative.

Ayes — Messrs. Becker, Blake, Bowers, Carter, Clark, H. A.; Cochran, Coleman, Giegerich, Herzberg, A.; Holcomb, Hottenroth, Jenks, Lewis, M. E.; Marks, McDonough, Mulqueen, Parmenter, Peabody, Redman, Springweiler, Titus, Tucker, Turner, Veeder — 24.

Noes — Messrs. Allaben, Arnold, Baker, Banks, Barhite, Brown, E. R.; Cady, Chipp, Jr.; Church, Cookinham, Countryman, Danforth, Davenport, Davies, J. C.; Dean, Dickey, Doty, Durfee, Emmet, Faber, Floyd, Foote, Forbes, Francis, Frank, Augustus; Fuller, C. A.; Fuller, O. A.; Galinger, Gibney, Goeller, Goodelle, Green, A. H.; Green, J. I.; Hamlin, Hawley, Hedges, Holls, Jacobs, Johnson, I. Sam; Johnson, J.; Johnston, R. M.; Kellogg, Kimmey, Kinkel, Lester, Lewis, C. H.; Lincoln, Lyon, Manley, Mantanye, Marshall, Maybee, McIntyre, McKinstry, McLaughlin, C. B.; McMillan, Mereness, Moore, Morton, Nichols, W. H.; O'Brien, Osborn, Parker, Parkhurst, Peck, Phipps, Platzek, Pratt, Roche, Root, Sandford, Schumaker, Steele, W. H.; Storm, Sullivan, T. A.; Tekulsky, Vogt, Wellington, Whitmyer, Woodward, President—81.

When the name of Mr. Gilbert was called he asked to be and was excused from voting.

The Convention then went into Committee of the Whole, and, after some time spent therein, the hour of ten o'clock having arrived, the President resumed the chair, and the Convention adjourned.

Wednesday, August 29, 1894.

The Convention met pursuant to adjournment.

Prayer by Rev. J. H. Messenger.

On motion of Mr. A. H. Green, the reading of the Journal of Tuesday, August twenty-eighth, was dispensed with.

The last Record appearing on the files of members to-day is of date August twentieth.

By vote of the Convention, the following members were excused from attendance, as follows: Mr. Tibbetts for August thirty-first and September first; Mr. Redman for September third and fourth; Mr. Herzberg for August thirty-first and September first; Mr. Schumaker until September third; Mr. Springweiler for August thirty-first and September first and third; Mr. Alvord for August twenty-ninth; Mr. Arnold for September first; Mr. Blake for September third; Mr. Cornwell until September third; Mr. Turner for August twenty-ninth and thirtieth; Mr. Hamlin for September third; Mr. Abbott for September first and third; Mr. Andrew

Frank until August thirtieth, afternoon; Mr. Banks for September first; Mr. Veeder for September first, afternoon; Mr. W. Sullivan for September third; Mr. Hirschberg for next week; Mr. Hecker, indefinitely; Mr. H. A. Clark for remainder of this week.

Mr. Foote, from the Committee on Revision and Engrossment, to which was referred the proposed constitutional amendment introduced by Mr. Tucker, introductory No. 191, reported by the Committee on Preamble and by the Committee of the Whole, entitled "Proposed constitutional amendment to amend article 1 of the Constitution, as to damages for the loss of human life," reports the same as examined and corrected and as correctly engrossed, and said amendment was ordered printed and to a third reading.

Mr. Foote, from the Committee on Revision and Engrossment, to which was referred the proposed constitutional amendment introduced by Mr. Vedder, introductory No. 216, reported by the Committee on Powers and Duties of the Legislature and by the Committee of the Whole, entitled "Proposed constitutional amendment to amend section 10 of article 3 of the Constitution," reports the same as examined and corrected and as correctly engrossed, and said amendment was ordered printed and to a third reading.

Mr. Foote, from the Committee on Revision and Engrossment, to which was referred the proposed constitutional amendment introduced by Mr. O'Brien, introductory No. 119, reported by the Committee on Suffrage and by the Committee of the Whole, entitled "Proposed constitutional amendment to amend section 3 of article 2 of the Constitution as to the suffrage," reports the same as examined and corrected and as correctly engrossed, and said amendment was ordered printed and to a third reading.

Mr. Foote, from the Committee on Revision and Engrossment, to which was referred the proposed constitutional amendment introduced by Mr. Alvord, introductory No. 9, reported by the Committee on Salt Springs and by the Committee of the Whole, entitled "Proposed constitutional amendment to amend section 7 of article 7 of the Constitution, entitled 'Salt Springs,'" reports the same as examined and corrected and as correctly engrossed, and said amendment was ordered printed and to a third reading.

Mr. Foote, from the Committee on Revision and Engrossment, to which was referred the proposed constitutional amendment,

introduced by Mr. Hill, introductory No. 183, reported by the Committee on Suffrage and by the Committee of the Whole, entitled "Proposed constitutional amendment to amend section 5 of article 2 of the Constitution, relating to the manner of elections," reports the same as examined and corrected and as correctly engrossed, and said amendment was ordered printed and to a third reading.

Mr. Foote, from the Committee on Revision and Engrossment, to which was referred the proposed constitutional amendment introduced by Mr. Doty, introductory No. 86, reported by the Committee on Judiciary and by the Committee of the Whole, entitled "Proposed constitutional amendment, to amend section 17 of article 1 of the Constitution, relating to the appointment of commissioners of codification," reports the same as examined and corrected and as correctly engrossed, and said amendment was ordered printed and to a third reading.

Mr. Foote, from the Committee on Revision and Engrossment, to which was referred the proposed constitutional amendment introduced by Mr. McMillan, introductory No. 11, reported by the Committee on Legislative Powers and Duties and by the Committee of the Whole, entitled "Proposed constitutional amendment to amend article 3 of the Constitution, relating to legislation," reports the same as examined and corrected and as correctly engrossed, and said amendment was ordered printed and to a third reading.

Mr. Springweiler moved that General Order 69, printed No. 448, introductory No. 130-520, entitled "Proposed constitutional amendment relative to the liability of employers for injuries to employes," be made a special order for Thursday morning.

Mr. President put the question on said motion, and it was determined in the negative, two-thirds of all the members elected not voting in favor thereof.

Ayes — Messrs. Ackerly, Baker, Banks, Becker, Blake, Bowers, Campbell, Carter, Chipp, Jr.; Clark, H. A.; Cochran, Coleman, Danforth, Davenport, Deady, Deterling, Deyo, Dickey, Durfee, Durnin, Faber, Forbes, Francis, Fuller, C. A.; Gibney, Giegerich, Gilbert, Green, A. H.; Hecker, Hedges, Herzberg, A.; Hill, Hottenroth, Jacobs, Jenks, Johnson, I. Sam; Kellogg, Kimmey, Lewis, M. E.; Marks, Maybee, McLaughlin, J. W.; Moore, Mulqueen,

Nostrand, Ohmeis, Osborn, Parker, Parmenter, Peabody, Platzek, Porter, Powell, Putnam, Redman, Roche, Rogers, Sandford, Smith, Springweiler, Steele, W. H.; Sullivan, T. A.; Sullivan, W.; Tibbetts, Titus, Tucker, Veeder, Whitmyer, Woodward — 69.

Noes — Messrs. Abbott, Allaben, Arnold, Barrow, Bigelow, Cady, Cassidy, Church, Clark, G. W.; Cookinham, Davies, J. C.; Dean, Doty, Emmet, Floyd, Foote, Fuller, O. A.; Galinger, Goodelle, Hamlin, Hawley, Hirschberg, M. H.; Holls, Kinkel, Lester, Lewis, C. H.; Lyon, Manley, Marshall, McIntyre, McKinsty, McMillan, Mereness, Morton, Nichols, W. H.; O'Brien; Parkhurst, Pashley, Peck, Pratt, Root, Spencer, Steele, A. B.; Storm, Vedder, Vogt, Wellington, President — 48.

Mr. Cochran moved that the Committee on Judiciary be instructed to report forthwith on the matter contained in the resolution offered by Mr. Bigelow, July tenth, relating to "the latest day to which the deliberations of this Convention can be prolonged consistently with the submission of its results to the people at the next general election, as required by law.

Mr. President put the question on said motion, and it was determined in the affirmative.

Mr. Bowers moved that the Committee on Governor and State Officers be required to report forthwith.

Mr. McMillan moved to lay said motion on the table.

Mr. President put the question on the motion of Mr. McMillan, and it was determined in the affirmative.

Mr. Roche moved that General Order 53, printed No. 430, introductory No. 386, entitled "To amend article 7, section 3, relative to the canals," and also General Order 54, printed No. 431, introductory No. 387, entitled "To amend article 7, section 6, relative to the canals," be made a special order immediately after General Order 74, printed No. 454, introductory No. 377, entitled "To amend article 3, relating to the apportionment of senate and assembly districts" is disposed of.

Mr. Kellogg moved to lay said motion on the table. .

Mr. President put the question on the motion of Mr. Kellogg, and it was determined in the affirmative :

Ayes — Messrs. Abbott, Ackerly, Allaben, Arnold, Barhite, Barnum, Becker, Bigelow, Brown, E. A.; Cady, Carter, Cassidy,

Church, Clark, G. W.; Clark, H. A.; Cookinham, Davies, J. C.; Dean, Deterling, Dickey, Doty, Durfee, Faber, Frank, Augustus, Fraser, Galinger, Gilbert, Goodelle, Hamlin, Hawley, Hecker, Hedges, Holls, Jacobs, Johnson, I. Sam; Johnson, J.; Johnston, R. M.; Kellogg, Kinkel, Kurth, Lauterbach, Lester, Lewis, C. H.; Lincoln, Lyon, Manley, Marshall, Maybee, McIntyre, McKinstry, McLaughlin, C. B.; McMillan, Mereness, Morton, Nichols, W. H.; Nostrand, O'Brien, Parker, Parkhurst, Pashley, Powell, Putnam, Redman, Root, Spencer, Steele, A. B.; Steele, W. H.; Storm, Sullivan, T. A.; Tibbetts, Vedder, Vogt, Wellington, Wiggins, Woodward, President — 76.

Noes — Messrs. Baker, Banks, Barrow, Blake, Bowers, Bush, Campbell, Chipp, Jr., Cochran, Coleman, Countryman, Danforth, Davenport, Deady, Deyo, Emmet, Farrell, Fitzgerald, Floyd, Forbes, Francis, Fuller, C. A.; Gibney, Giegerich, Green, A. H.; Griswold, Herzberg, A.; Hill, Hirschberg, M. H.; Holcomb, Hottenroth, Jenks, Kerwin, Kimmey, Marks, McDonough, McLaughlin, J. W.; Meyenborg, Mulqueen, Nicoll, De L.; Ohmeis, Osborn, Parmenter, Peabody, Peck, Platzek, Roche, Rogers, Sandford, Smith, Speer Springweiler, Sullivan, W.; Titus, Towns, Truax, C. H.; Tucker, Veeder, Whitmyer — 59.

The Convention then went into Committee of the Whole, and, after some time spent therein, the hour of one o'clock having arrived, the President resumed the chair and the Convention took a recess until three o'clock.

AFTERNOON SESSION.

Three o'clock P. M.

The Convention again met.

Second Vice-President, Mr. W. H. Steele, in the chair.

The Convention proceeded in Committee of the Whole, and, after some time spent therein, the hour of five o'clock having arrived, Mr. President resumed the chair, and the Convention took a recess until eight o'clock.

EVENING SESSION.

Eight o'clock P. M.

The Convention again met.

Second Vice-President, Mr. W. H. Steele, in the chair.

By unanimous consent, Mr. Becker offered a resolution in words following:

Resolved, That the State Engineer and Surveyor be requested to furnish the Convention with maps of the Senate districts in New York county and Kings and the remainder of the State, showing the total citizens population in each district and the total alien population in the same, and that the expense thereof be paid upon the audit of the Committee on Contingent Expenses.

Mr. President put the question on said resolution, and it was determined in the affirmative.

By unanimous consent, Mr. Becker offered a resolution in words following:

Resolved, That the number of copies of the amendment to article 3, relating to the apportionment of Senate and Assembly districts, reported on Monday last by the Committee on Legislative Organization, be increased to four thousand (4,000), and that a like number of the tabular statements attached to the report of said committee be printed and bound with said amendment, and distributed under the direction of the Secretary of the Convention.

Mr. President put the question on said resolution, and it was determined in the affirmative.

Mr. Veeder moved that General Order 48, printed No. 425, introductory No. 384, proposed constitutional amendment "To amend article 1, section 10, in relation to the suppression of gambling," be made a special order immediately after General Order 74, printed No. 454, introductory No. 376, "To amend article 3, relating to the apportionment of Senate and Assembly districts."

Mr. Mereness moved to lay that motion upon the table.

Mr. President put the question on the motion to lay on the table, and it was determined in the affirmative.

Ayes — Messrs. Abbott, Allaben, Arnold, Becker, Bigelow, Brown, E. A.; Cady, Carter, Cassidy, Church, Coleman, Cookinham, Davies, J. C.; Davis, G. A.; Dean, Doty, Emmet, Fitzgerald.

Floyd, Foote, Fuller, O. A.; Giegerich, Goodelle, Hamlin, Hedges, Hill, Holls, Johnson, I. Sam; Johnston, R. M.; Kellogg, Kinkel, Kurth Lauterbach, Lewis, C. H.; Lincoln, Manley, Marshall, Maybee, McDonough, McIntyre, McKinstry, McLaughlin, C. B.; McMillan, Mereness, Meyenborg, Moore, Morton, Mulqueen, Nichols, W. H.; Nostrand, O'Brien, Osborn, Parker, Parkhurst, Pashley, Platzek, Porter, Powell, Pratt, Putnam, Redman, Root, Steele, A. B.; Sullivan, T. A.; Vedder, Vogt, Wellington, Whitmyer, Wiggins, President — 70.

Noes — Ackerly, Baker, Banks, Barrow, Blake, Bush, Campbell, Clark, H. A.; Cochran, Countryman, Deady, Deyo, Dickey, Durnin, Farrell, Forbes, Francis, Frank, Augustus, Fuller, C. A.; Gibney, Gilleran, Green, A. H.; Herzberg, A.; Hottenroth, Jacobs, Jenks, Johnson, J.; Kerwin, Marks, McArthur, McCurdy, McLaughlin, J. W.; Nicoll, De L.; Parmenter, Peabody, Peck, Rogers, Sandford, Springweiler, Steele, W. H.; Storm, Sullivan, W.; Tibbetts, Truax, C. H.; Tucker, Veeder, Williams, Woodward — 48.

When the name of Mr. Bowers was called, he asked to be and was excused from voting.

Mr. Barrow moved that the adverse report of the Committee on Legislative Powers, on the proposed constitutional amendment relating to two-thirds bills, introduced by Mr. Barrow, introductory No. 81, which was made a special order for this evening, be made a special order immediately following the special order now under consideration.

The President ruled the motion out of order for the reason that there was already a special order (G. O. No. 61) set down for that particular time.

Mr. Barrow appealed from the decision of the Chair.

Mr. President put the question "Shall the decision of the Chair stand as the judgment of the Convention?" and it was determined in the affirmative.

The Convention then proceeded in Committee of the Whole, and, after some time spent therein, the hour of ten o'clock having arrived, the President resumed the chair and the Convention adjourned.

Thursday, August 30, 1894.

The Convention met pursuant to adjournment.

Prayer by Rev. S. F. Morrow.

On motion of Mr. Rogers, the reading of the Journal of Wednesday, August twenty-ninth, was dispensed with.

The last date of Record on the files of the Delegates this day, is August twenty-first.

By vote of the Convention, the following members were excused from attendance, as follows: Mr. Francis, August thirtieth to September fourth; Mr. Smith, September first and third; Mr. Roche, September first and third; Mr. Towns, September third; Mr. Deyo, September third; Mr. Bigelow, August thirty-first and September first; Mr. McClure, indefinitely.

The President made a report from the Committee on Rules, to the effect that the vote be taken on the cities article (printed No. 451, G. O. 13) at 12.45 P. M. to-day, and that debate on the pending amendment shall not exceed forty minutes; that the residue of the time on the minority report offered as a substitute by Mr. Davenport, be equally divided between the supporters of the substitute and the supporters of the committee's report.

Debate being had thereon, Mr. Root moved that the subject be recommitted to the committee.

Mr. President put the question on said motion, and it was determined in the affirmative.

The Convention then went into Committee of the Whole, and, after some time spent therein, Mr. I. S. Johnson, from said committee, reported:

The Committee of the Whole, having had under consideration the proposed constitutional amendment, printed No. 451, entitled "Proposed constitutional amendment to provide home rule for cities," reported progress in same, and asked leave to sit again.

Mr. President put the question on granting leave, and it was determined in the affirmative.

Mr. Root, from the Committee on Rules, under the orders of the resolution offered by Mr. Cookinham, August eighteenth, as follows: "Resolved, That the Committee on Rules be directed

to report a rule allotting time for debate on each of the proposed constitutional amendments," reported in words following:

In the further discussion of General Order No. 13, printed No. 451, introductory No. 369, entitled "Proposed constitutional amendment to provide home rule for cities," in Committee of the Whole, the following order shall be observed:

Thirty minutes shall be allowed for the consideration of amendments, and debate be limited to five minute speeches.

Thirty minutes shall be allowed for the consideration of substitutes, other than the minority report, and debate to be limited to five minute speeches.

One hour and thirty minutes shall be allowed for the substitute proposed by the minority, and debate limited to twenty minute speeches.

On the adoption of the report, Mr. Root moved the previous question.

Mr. President put the question on the motion for the previous question, and it was determined in the affirmative.

Ayes — Messrs. Ackerly, Allaben, Arnold, Baker, Barhite, Barnum, Barrow, Becker, Bigelow, Bowers, Brown, E. A.; Burr, Bush, Cady, Carter, Cassidy, Church, Clark, G. W.; Coleman, Cookinham, Countryman, Crosby, Danforth, Davies, J. C.; Davis, G. A.; Deady, Dean, Dickey, Doty, Durnin, Emmet, Floyd, Foote, Forbes, Frank, Augustus; Fuller, C. A.; Fuller, O. A.; Galinger, Gibney, Giegerich, Gilbert, Goeller, Goodelle, Hecker, Hedges, Herzberg, A.; Hill, Hirschberg, M. H.; Holls, Jacobs, Jenks, Johnson, I. Sam; Johnson, J.; Johnston, R. M.; Kellogg, Kerwin, Kimmey, Kinkel, Kurth, Lauterbach, Lester, Lewis, C. H.; Lewis, M. E.; Lyon, Manley, Marshall, Maybee, McArthur, McCurdy, McDonough, McIntyre, McKinstry, McLaughlin, C. B.; McMillan, Mereness, Moore, Morton, Mulqueen, Nichols, W. H.; Nicoll, De L.; Nostrand, O'Brien, Ohmeis, Osborn, Parker, Parkhurst, Peck, Phipps, Platzek, Pool, Porter, Powell, Pratt, Putnam, Redman, Roche, Root, Sandford, Spencer, Springweiler, Steele, A. B.; Steele, W. H.; Storm, Sullivan, T. A.; Tekulsky, Tibbetts, Truax, G. H.; Vedder, Vogt, Wellington, Whitmyer, Wiggins, Woodward, President — 114.

Noes — Messrs. Banks, Blake, Campbell, Cochran, Davenport, Deyo, Gilleran, Green, A. H.; Green, J. I.; Holcomb, Hottenroth, Marks, McLaughlin, J. W.; Meyenborg, Parmenter, Peabody, Rogers, Smith, Speer, Tucker, Veeder — 21.

Mr. President put the question on the adoption of the report, and it was determined in the affirmative.

Mr. C. B. McLaughlin offered a resolution in words following :

Resolved, That the Committee on Rules be instructed to report a rule changing or modifying Rule 57 so that the yeas and nays cannot be taken on a question or proposition unless required by twenty-five members.

Referred to the Committee on Rules.

Mr. Vedder moved that the Committee on Rules be discharged from the further consideration of the resolution offered by Mr. C. B. McLaughlin, relating to the modification of Rule 57, and that it be considered forthwith, and on that motion moved the previous question.

Mr. President put the question on the motion for the previous question, and it was determined in the affirmative.

Ayes — Messrs. Abbott, Ackerly, Allaben, Arnold, Baker, Barhite, Barnum, Barrow, Becker, Brown, E. A.; Brown, E. R.; Cady, Cassidy, Church, Clark, G. W.; Cookinham, Countryman, Crosby, Davies, J. C.; Dean, Dickey, Doty, Floyd, Foote, Frank, Augustus; Fuller, C. A.; Fuller, O. A.; Galinger, Gibney, Gilbert, Goodelle, Hamlin, Hawley, Hedges, Hill, Hirschberg, M. H.; Holls, Jacobs, Johnson, I. Sam; Johnson, J.; Johnston, R. M.; Kellogg, Kinkel, Kurth, Lauterbach, Lester, Lewis, C. H.; Lewis, M. E.; Lyon, Manley, Marshall, McArthur, McDonough, McIntyre, McKinstry, McLaughlin, C. B.; McMillan, Moore, Morton, Nichols, W. H.; Nostrand, O'Brien, Parker, Parkhurst, Phipps, Pool, Porter, Powell, Pratt, Putnam, Redman, Root, Spencer, Springweiler, Steele, A. B.; Steele, W. H.; Storm, Sullivan, T. A.; Tibbetts, Vedder, Vogt, Wellington, Whitmyer, Wiggins, Woodward, President — 86.

Noes — Messrs. Banks, Bigelow, Blake, Bowers, Burr, Bush, Carter, Cochran, Coleman, Danforth, Davenport, Deady, Deyo, Durnin, Emmet, Giegerich, Gilleran, Goeller, Green, A. H.; Green, J. I.; Herzberg, A.; Holcomb, Hottenroth, Jenks, Kerwin, Kimmey, Marks, Maybee, McLaughlin, J. W.; Meyenborg, Mulqueen, Nicoll, De L.; Ohmeis, Osborn, Parmenter, Peabody, Peck, Platzek, Roche, Rogers, Sandford, Smith, Speer, Sullivan, W.; Tekulsky, Towns, Truax, C. H.; Tucker, Veeder, Williams — 50.

Mr. President put the question on the motion of Mr. Vedder, and it was determined in the affirmative.

Ayes — Messrs. Ackerly, Allaben, Arnold, Barhite, Barrow, Becker, Bigelow, Brown, E. A.; Cady, Cassidy, Church, Clark, G. W.; Cookinham, Countryman, Crosby, Davies, J. C.; Davis, G. A.; Dean, Dickey, Doty, Floyd, Frank, Augustus; Fraser, Fuller, C. A.; Fuller, O. A.; Galinger, Gibney, Gilbert, Goodelle, Hamlin, Hawley, Hedges, Hill, Hirschberg, M. H.; Holls, Jacobs, Johnson, I. Sam; Johnson, J.; Johnston, R. M.; Kellogg, Kinkel, Kurth, Lester, Lewis, C. H.; Lewis, M. E.; Lyon, Manley, Marshall, McArthur, McDonough, McIntyre, McKinstry, McLaughlin, C. B.; McMillan, Mereness, Moore, Morton, Nichols, W. H.; Nostrand, O'Brien, Parker, Parkhurst, Pashley, Phipps, Pool, Powell, Pratt, Putnam, Redman, Root, Spencer, Steele, A. B.; Steele, W. H.; Tibbetts, Vedder, Vogt, Wellington, Whitney, Wiggins, Woodward, President — 80.

Noes — Messrs. Banks, Blake, Bowers, Burr, Bush, Campbell, Chipp, Jr.; Cochran, Danforth, Davenport, Deady, Deyo, Durnin, Emmet, Forbes, Giegerich, Gilleran, Goeller, Green, A. H.; Green, J. I.; Herzberg, A.; Holcomb, Hottenroth, Jenks, Kerwin, Kimmey, Marks, Maybee, McLaughlin, J. W.; Meyenborg, Mulqueen, Nicoll, De L.; Ohmeis, Osborn, Parmenter, Peabody, Peck, Platzek, Roche, Rogers, Sandford, Smith, Speer, Tekulsky, Towns, Truax, C. H.; Tucker, Veeder, Williams — 48.

Mr. President put the question on the resolution offered by Mr. C. B. McLaughlin, and it was determined in the affirmative.

The hour of one o'clock having arrived, the Convention took a recess until three o'clock.

AFTERNOON SESSION.

Three o'clock P. M.

The Convention again met.

By unanimous consent, Mr. Hottenroth presented a minority report of the Committee on Canals, which was ordered printed.

On motion of Mr. I. S. Johnson the privileges of the floor were extended to Hon. R. P. Bush, ex-Speaker of the Assembly, and Hon. A. E. Baxter, of Elmira.

The Convention then proceeded in Committee of the Whole, and, after some time spent therein, the hour of five o'clock having arrived, the President resumed the chair and the Convention took a recess until eight o'clock.

EVENING SESSION.

Eight o'clock P. M.

The Convention again met.

Mr. Cookinham offered a resolution in words following:

Resolved, That the proposed constitutional amendments hereinafter mentioned, be made Special Orders for August thirty-first, at ten o'clock A. M., in the order stated below, and that they each be considered in the Committee of the Whole until disposed of, except that General Order No. 74, in regard to apportionment, take precedence over all other business after it is reached on the day now fixed for its consideration:

Number.	G. O. No.	Abstract of title.
1	13....	Relating to home rule for cities, unless sooner disposed of.
2	61....	To amend article 9, relating to free common schools.
3	72....	To amend the Constitution relative to the forest preserves.
4	63....	To amend Constitution by addition of new article relative to waters of Niagara river.
5	53....	To amend article 7, section 3, relative to canals.
6	54....	To amend article 7, section 6, relative to canals.
6½....	58....	To amend article 7, sections 1 to 5, relative to canal debts.
7	67....	To amend article 5 of the Constitution.
8	74....	To amend article 3, relating to the apportionment of Senate and Assembly districts.
9	32....	Prescribing the period of citizenship as a prerequisite to the right to vote.
10	34....	Relating to registration of voters.
11	64....	To amend article 2, relating to the use of money for political purposes.
12	12....	To amend article 13, relating to future amendments.
13	55....	To amend article 14 of the Constitution.
14	62....	To amend article 3 by addition of two new sections.

Number.	G. O. No.	Abstract of title.
15	69....	To amend the Constitution relative to the liability of employers for injuries to employes.
16	57....	To amend article 8, section 7, relative to liability of stockholders of banking corporations.
17	26....	Relating to civil service.
18	48....	To amend article 1, section 10, in relation to the suppression of gambling.
19	44....	To authorize Legislature to provide for construction of dams and reservoirs.
20	42....	Relative to drainage of agricultural lands.
21	7....	To amend section 4 of article 2, relating to enforcing the duty of voting.
21½	33....	In relation to the qualification of voters.
22	35....	As to restrictions on private and local bills.
23	27....	As to trusts or combinations.
24	36....	Relating to corporations.
25	38....	Relative to religious liberty.
26	39....	Persons answering for capital and otherwise infamous crime.
27	40....	To amend article 2, section 17 of the Constitution.
28	46....	To amend article 3 to establish boards of arbitration.
29	47....	To amend article 3, relative to private and local bills.
30	51....	To amend article 10, section 1, relative to Governor removing public officers.
31	60....	To amend article 8, section 11, relative to debt limitation of cities.
32	66....	To amend article 12, section 1, relating to oaths of office.
33	70....	To amend article 1, section 6, relative to conspiracies.
34	75....	To amend article 3, section 8, relating to the eligibility of persons to a seat in the Legislature.
35	71....	To prevent discrimination in rates or charges either by railroad, telegraph or telephone companies, corporations or common carriers doing business in this State.

Number.	G. O. No.	Abstract of title.
36	68....	To amend article 8, relative to franchise in city streets and places.
37	59....	To amend article 7 of the Constitution.
38	5....	Relative to the transfer of land titles.
39	19....	To amend section 18, of article 3, relating to special or local laws.
40	23....	To amend section 13 of article 3, as to passage of bills by the Legislature.
41	24....	Relating to grants.
42	30....	As to the powers and duties of the Legislature in forming and dividing counties.
43	37....	Relative to criminal prosecutions.
44	43....	Relative to soldiers and sailors' homes.
45	49....	To amend article 1, section 7, relating to taking private property for public use.
46	56....	To amend article 8, section 6, in respect to banks.
47	73....	To amend article 11, relative to the militia.
48	76....	To amend article 3, section 6, as to pay of members of the Legislature.

Referred to the Committee on Rules.

Mr. Barhite offered a resolution in words following:

Resolved, That the Committee on Rules be directed to forthwith report an amendment to Rule 24 by striking out the words "two-thirds" and inserting in the place thereof the word "majority."

The resolution, giving rise to debate, was tabled under the rule.

On motion of Mr. Andrew Frank the privileges of the floor were extended to the Hon. Joseph Benjamin, of Brooklyn, during his stay in this city.

Mr. Barhite offered a resolution in words following:

Resolved, That Rule 24 be amended by striking out the words "two-thirds" and inserting in the place thereof the word "majority."

Referred to the Committee on Rules.

The Convention then proceeded in Committee of the Whole, and, after some time spent therein, Mr. I. S. Johnson, from said committee, reported:

The Committee of the Whole, having had under consideration the proposed constitutional amendment, printed No. 451, entitled

“Proposed constitutional amendment to provide home rule for cities,” have gone through with the same, have made some amendments thereto, and instructed the chairman to report the same to the Convention, and recommend its passage.

The question being on the adoption of said report, Mr. J. Johnson offered the following resolution:

Resolved, That the report of the committee be disagreed to and the proposed constitutional amendment be recommitted to the Committee on Cities, keeping its place on General Orders, with instructions to strike out all but the first section, and report the same, so amended, immediately.

Mr. J. Johnson moved the previous question.

Mr. President put the question on the motion for the previous question, and it was determined in the affirmative.

Mr. President put the question on the resolution offered by Mr. J. Johnson, and it was determined in the affirmative.

Ayes — Messrs. Ackerly, Allaben, Arnold, Baker, Barhite, Barnum, Barrow, Becker, Bigelow, Brown, E. A.; Brown, E. R.; Burr, Cady, Carter, Cassidy, Church, Clark, G. W.; Cookinham, Crosby, Davies, J. C.; Davis, G. A.; Dean, Dickey, Doty, Durnin, Floyd, Foote, Frank, Andrew; Frank, Augustus; Fraser, Fuller, C. A.; Fuller, O. A.; Galinger, Giegerich, Gilbert, Gilleran, Goodelle, Hamlin, Hedges, Hill, Hirschberg, M. H.; Holcomb, Holls, Jacobs, Johnson, I. Sam; Johnson, J.; Johnston, R. M.; Kellogg, Kinkel, Kurth, Lauterbach, Lester, Lewis, C. H.; Lyon, Manley, Marshall, McCurdy, McDonough, McIntyre, McKinstry, McLaughlin, C. B.; McMillan, Moore, Morton, Nichols, W. H.; Nostrand, O'Brien, Parker, Parkhurst, Pashley, Phipps, Platzek, Pool, Powell, Pratt, Putnam, Redman, Root, Speer, Spencer, Steele, A. B.; Steele, W. H.; Sullivan, T. A.; Tekulsky, Tibbetts, Towns, Vedder, Vogt, Wellington, Whitmyer, Wiggins, Woodward, President — 93.

Noes — Messrs. Banks, Blake, Bowens, Bush, Campbell, Chipp, Jr.; Cochran, Danforth, Davenport, Deady, Deyo, Emmet, Farrell, Fitzgerald, Forbes, Gibney, Goeller, Green, A. H.; Green, J. I.; Hottenroth, Jenks, Kerwin, Kimmey, Lewis, M. E.; Marks, Maybee, McLaughlin, J. W.; Meyenborg, Mulqueen, Ohmeis, Parmenter, Peabody, Roche, Sandford, Smith, Sullivan, W.; Titus, Truax, C. H.; Tucker, Veeder, Williams — 40.

Mr. J. Johnson, from the Committee on Cities, reported said amendment as directed by the Convention.

Mr. J. Johnson then moved that the proposed constitutional amendment be ordered to a third reading and sent to the Committee on Engrossment and Revision, and on that motion moved the previous question.

Mr. President put the question on the motion for the previous question, and it was determined in the affirmative.

Mr. President put the question on the motion of Mr. J. Johnson, and it was determined in the affirmative, and said amendment was referred to the Committee on Revision and Engrossment.

Mr. Bowers moved that the Committee on cities be instructed to strike out the fifth and sixth sections, and report a proposed amendment in the words of such fifth and sixth sections forthwith.

Pending the question, the hour of ten o'clock having arrived, the Convention adjourned.

Friday, August 31, 1894.

The Convention met pursuant to adjournment.

Prayer by Rev. R. H. Shirley.

On motion of Mr. Cochran, the reading of the Journal of Thursday, August thirtieth, was dispensed with.

The last Record appearing upon the files of members to-day, is of date August twenty-second.

By vote of the Convention, the following members were excused from attendance, as follows: Mr. Hedges, September first, P. M.; Mr. Poole, September first and third; Mr. Griswold, September first; Mr. Augustus Frank, September first; Mr. Danforth, September first and third; Mr. Abbott indefinitely; Mr. J. Johnson, September first; Mr. Sandford, August thirty-first and September first and fourth; Mr. Alvord, indefinitely; Mr. Holcomb, September first and third; Mr. Parmenter, August thirty-first, P. M., and September first; Mr. Kellogg, September first; Mr. Doty, September first and third; Mr. J. I. Green, September first and third; Mr. Deyo, September first, afternoon; Mr. Foote, September third; Mr. Mantanye, September third; Mr. Titus, September third; Mr. Galinger, September first, P. M.

Mr. Veeder offered a resolution in words following:

Resolved, Whenever a vote is about to be taken upon any question in the Convention, or in a Committee of the Whole, tellers shall be appointed if a count is demanded, required by one-fifth of a quorum.

Referred to the Committee on Rules.

Mr. Bush offered a resolution in words following:

Amend Rule 56 by adding at the end thereof the following:

"Except as herein provided, no rule or order of the Convention shall be changed, suspended or rescinded, except by a vote of two-thirds of all the members elected to the Convention, nor shall the Committee on Rules be discharged from the consideration of a proposed change of rules except by a like vote."

Referred to the Committee on Rules.

Mr. Jenks offered a resolution in words following:

Resolved, That the President of the Convention shall appoint a special committee of six delegates to prepare and submit to the Convention, an article for the government of cities, which shall include the provision as to separate elections heretofore reported to the Convention from the Committee of the Whole.

The special committee must report on or before September 8, 1894, and may report at any time previous to that date.

Mr. Holls moved to lay said resolution upon the table.

Mr. President put the question on the motion to lay on the table, and it was determined in the affirmative.

Ayes — Messrs. Ackerly, Allaben, Arnold, Baker, Barhite, Barnum, Becker, Brown, E. A.; Brown, E. R.; Cady, Carter, Church, Clark, G. W.; Cookinham, Crosby, Davies, J. C.; Davis, G. A.; Dean, Deterling, Dickey, Doty, Durfee, Floyd, Foote, Frank, Andrew; Frank, Augustus; Fraser, Galinger, Gilbert, Goodelle, Hamlin, Hawley, Hedges, Hill, Hirschberg, M. H.; Holls, Jacobs, Johnson, I. Sam; Johnson, J.; Johnston, R. M.; Kellogg, Kinkel, Kurth, Lauterbach, Lester, Lewis, C. H.; Lewis, M. E.; Lyon, Manley, Marshall, McArthur, McDonough, McIntyre, McKinstry, McLaughlin, C. B.; McMillan, Mereness, Moore, Nichols, W. H.; Nostrand, O'Brien, Parker, Parkhurst, Pashley, Phipps, Pool, Pratt, Putnam, Redman, Root, Spencer, Steele, A. B.; Steele, W. H.; Tibbetts, Vedder, Vogt, Wellington, Whitmyer, Wiggins, President — 80.

Noes — Messrs. Banks, Barrow, Blake, Bowers, Burr, Bush, Campbell, Cassidy, Chipp, Jr.; Cochran, Countryman, Danforth, Davenport, Deady, Deyo, Durnin, Emmet, Farrell, Fitzgerald, Forbes, Fuller, C. A.; Gibney, Giegerich, Gilleran, Green, A. H.; Green, J. I.; Griswold, Holcomb, Hottenroth, Jenks, Kerwin, Kimmey, Marks, Maybee, McLaughlin, J. W.; Meyenborg, Morton, Mulqueen, Nicoll, De L.; Ohneis, Parmenter, Peabody, Peck, Platzek, Roche, Rogers, Rowley, Smith, Sullivan, W.; Tekulsky, Titus, Towns, Truax, C. H.; Tucker, Veeder, Williams, Woodward — 57.

When the name of Mr. Becker was called, he asked to be and was not excused from voting.

When the name of Mr. Morton was called, he asked to be and was not excused from voting.

Mr. President then stated the pending question, at the hour of adjournment last evening, to be upon the motion of Mr. Bowers, "That the Committee on Cities be instructed to strike out the fifth and sixth sections, and report a proposed amendment in the words of such fifth and sixth sections, forthwith."

Mr. McMillan moved to lay said motion on the table.

Mr. President put the question on the motion of Mr. McMillan, and it was determined in the affirmative.

Mr. Root, from the Committee on Rules, reported favorably the resolution offered by Mr. Cookinham, August eighteenth, in words following:

"Resolved, That the Committee on Rules be directed to report a rule allotting time for debate on each of the proposed constitutional amendments."

Mr. Root then moved the previous question.

Mr. President put the question on the motion for the previous question, and it was determined in the affirmative.

Ayes — Messrs. Allaben, Arnold, Baker, Barhite, Barnum, Barrow, Becker, Brown, E. A.; Brown, E. R.; Cady, Carter, Church, Clark, G. W.; Cookinham, Crosby, Davis, G. A.; Dean, Deterling, Dickey, Doty, Durfee, Foote, Frank, Andrew; Frank, Augustus; Fraser, Fuller, C. A.; Fuller, O. A.; Galinger, Goodelle, Griswold, Hamlin, Hawley, Hedges, Hill, Hirschberg, M. H.; Holls, Johnson, J.; Johnston, R. M.; Kinkel, Kurth, Lester, Lewis, C. H.; Manley,

McDonough, McIntyre, McKinstry, McLaughlin, C. B.; McMillan, Moore, Morton, Nichols, W. H.; Nostrand, O'Brien, Parker, Parkhurst, Pashley, Phipps, Pool, Pratt, Putnam, Redman, Root, Spencer, Steele, A. B.; Steele, W. H.; Vedder, Vogt, Wellington, Whitmyer, Wiggins, Woodward — 71.

Noes — Messrs. Banks, Blake, Bowers, Burr, Bush, Campbell, Cassidy, Chipp, Jr.; Cochran, Danforth, Davenport, Deady, Deyo, Durnin, Emmet, Farrell, Fitzgerald, Floyd, Forbes, Gibney, Giegerich, Gilleran, Goeller, Green, A. H.; Green, J. I.; Holcomb, Hotchkiss, Hottenroth, Jenks, Kerwin, Kimmey, Lyon, Marks, Maybee, McCurdy, McLaughlin, J. W.; Meyenborg, Mulqueen, Nicoll, De L.; Ohmeis, Parmenter, Peabody, Peck, Platzek, Roche, Rogers, Rowley, Smith, Speer, Sullivan, W.; Titus, Truax, C. H.; Tucker, Veeder, Williams, President — 55.

Mr. President put the question on the adoption of said report, and it was determined in the affirmative.

Mr. Root, from the Committee on Rules, reported favorably the resolution offered by Mr. Barhite, in words following:

Resolved, That Rule 24 be amended by striking out the words "two-thirds," and inserting in the place thereof, the word "majority."

In accordance with Rule 56, on the demand of twenty-four members, said report was laid over for one day.

Mr. Root, from the Committee on Rules, in accordance with the resolution offered by Mr. Cookinham, in words following:

"Resolved, That the proposed constitutional amendments hereinafter mentioned, be made special orders for August thirty-first, at ten o'clock A. M., in the order stated below, and that they each be considered in the Committee of the Whole until disposed of, except that General Order No. 74, in regard to apportionment, take precedence over all other business after it is reached on the day now fixed for its consideration," reported the following order of business to be taken up by the Convention unless otherwise ordered:

G. O. No.	Printed No.	Int. No.	By whom introduced -- Title.
61..	439..	388..	Committee on Education — To amend article 9, relating to free common schools. (Special order for Monday and succeeding days, immediately after consideration of cities article.)
72..	452..	393..	Committee on Forest Preserves — To amend the Constitution relative to the forest preserves. (Special order for Monday evening, August twenty-seventh.)
63..	442..	390..	Committee on Legislative Powers and Duties — To amend Constitution by addition of new article relative to waters of Niagara River. (Special order for Thursday evening, August thirtieth.)
....	129..	129..	Committee on Governor and State Officers — Fixing term.
53..	430..	386..	Committee on Canals — To amend article 7, section 3, relative to canals.
54..	431..	387..	Committee on Canals — To amend article 7, section 6, relative to canals.
58..	437..	252..	Mr. Cassidy — To amend article 7, sections 1 to 5, relative to canal debts.
67..	446..	392..	Committee on Charities — To amend article 5 of the Constitution.
74..	454..	376..	Mr. E. R. Brown — To amend article 3, relating to the apportionment of Senate and Assembly districts. (Special order for Tuesday morning, September 4, 1894.)
32..	400..	100..	Mr. Roche — Prescribing the period of citizenship as a prerequisite to the right to vote.
34..	402..	253..	Mr. W. H. Nichols — Relating to registration of voters.
64..	443..	391..	Judiciary Committee — To amend article 2, relating to the use of money for political purposes.
27..	395..	375..	Committee on Corporations — As to trusts or combinations. (Minority report on same General Order. Doc. No. 52.)
12..	436..	368..	Committee on Future Amendments — To amend article 13 relating to future amendments.

G. O. Printed
No. No. Int. No.

By whom introduced — Title.

- 55.. 432.. 256.. Mr. C. H. Truax — To amend article 14 of the Constitution.
- 62.. 441.. 389.. Committee on Finance and Taxation — To amend article 3 by addition of two new sections.
- 69.. 448.. 520.. Mr. Kellogg and Mr. Coleman — To amend the
130 Constitution relative to the liability of employers for injuries to employes.
- 57.. 434.. 69.. Mr. Marshall — To amend article 8, section 7, relative to the liability of stockholders of banking corporations.
- 26.. 393.. 206.. Mr. H. A. Clark — Relating to civil service.
- 48.. 425.. 384.. Committee on Preamble — To amend article 1, section 10, in relation to the suppression of gambling.
- 44.. 420.. 325.. Mr. Foote — To authorize Legislature to provide for construction of dams and reservoirs.
- 42.. 417.. 327.. Mr. Parker — Relative to drainage of agricultural lands.
- 7.. 316.. 64.. Mr. Holls — To amend section 4 of article 2, relating to enforcing the duty of voting.
- 33.. 401.. 8.. Mr. Gilbert — In relation to the qualification of voters. (Minority report on same General Order. Doc. No. 48.)
- 35.. 407.. 322.. Mr. W. H. Steele — As to restrictions on private and local bills.
- 36.. 408.. 377.. Committee on Corporations — Relating to Corporations.
- 38.. 413.. 211.. Mr. Francis — Relative to religious liberty.
- 39.. 414.. 380.. Committee on Preamble — Persons answering for capital and otherwise infamous crime.
- 40.. 415.. 381.. Committee on Preamble — To amend article 2, section 17 of the Constitution.
- 46.. 423.. 321.. Mr. Gilbert — To amend article 3 to establish boards of arbitration.
- 47.. 424.. 115.. Mr. Arnold — To amend article 3, relative to private and local bills.
- 51.. 428.. 329.. Mr. Becker — To amend article 10, section 1, relative to Governor removing public officers.

G. O. No.	Printed No.	Int. No.	By whom introduced — Title.
60..	438..	148..	Mr. Banks — To amend article 8, section 11, relative to debt limitation of cities.
66..	445..	158..	Mr. I. S. Johnson — To amend article 12, section 1, relating to oaths of office.
70..	449..	58..	Mr. Springweiler — To amend article 1, section 6, relative to conspiracies.
75..	455..	131..	Mr. Hill — To amend article 3, section 8, relating to the eligibility of persons to a seat in the Legislature.
71..	450..	363..	Mr. Cornwell — To prevent discrimination in rates or charges either by railroad, telegraph or telephone companies, corporations or common carriers doing business in this State.
68..	447..	210..	Mr. Banks — To amend article 8, relative to franchise in city streets and places.
59..	435..	372..	Mr. A. H. Green — To amend article 7 of the Constitution.
5..	421..	382..	Special committee — Relative to the transfer of land titles.
19..	386..	116..	Mr. Roche — To amend section 18 of article 3, relating to special or local laws.
23..	390..	146..	Mr. Roche — To amend section 13 of article 3, as to passage of bills by the Legislature.
24..	391..	215..	Mr. Becker — Relating to grants.
30..	398..	35..	Mr. H. A. Clark — As to the powers and duties of the Legislature in forming and dividing counties.
37..	412..	261..	Mr. Goodelle — Relative to criminal prosecutions.
43..	419..	352..	Mr. Nichols — Relative to soldiers and sailors' homes.
49..	426..	364..	Mr. Marks — To amend article 1, section 7, relating to taking private property for public use.
56..	433..	207..	Mr. Hawley — To amend article 8, section 6, in respect to banks.
73..	453..	333..	Mr. Cochran — To amend article 11, relative to the militia.
76..	456..	16..	Mr. Marks — To amend article 3, section 6, as to pay of members of the Legislature.
2..	202..	99..	Mr. Roche — Pensions.

Said report was laid on the table, and ordered printed.

Mr. J. Johnson moved to reconsider the vote by which the report of the Committee on Cities on the "Proposed constitutional amendment to provide home rule for cities," General Order No. 13, printed No. 451, introductory No. 369, was agreed to, and said amendment referred to the Committee on Revision and Engrossment, and that that motion lay on the table.

Mr. President put the question on the motion to lay on the table, and it was determined in the affirmative.

Mr. Root, from the Committee on Rules, reported relative to the time allotted for debate in Committee of the Whole, on the "Proposed constitutional amendment to amend article 9 of the Constitution, relating to free common schools," General Order No. 61, printed No. 439, introductory No. 388, in words following:

"That the time allowed for debate shall be seven hours, divided as follows: The principal speaker for the report and the principal speaker against the report shall be allowed one hour each. All other speakers shall be allowed twenty minutes each for debate."

Mr. Holls moved to amend by adding at the end thereof, "that the final vote shall be taken Tuesday morning next immediately after going into Committee of the Whole.

Mr. President put the question on the motion of Mr. Holls, and it was determined in the affirmative.

Mr. President put the question on the adoption of said report, as amended, and it was determined in the affirmative.

The Convention then went into Committee of the Whole, and, after some time spent therein, the hour of one o'clock having arrived, Mr. President resumed the chair, and the Convention took a recess until three o'clock.

AFTERNOON SESSION.

Three o'clock P. M.

The Convention again met and proceeded in Committee of the Whole, and, after some time spent therein, the hour of five o'clock having arrived, the President resumed the chair, and the Convention took a recess until eight o'clock.

EVENING SESSION.

Eight o'clock P. M.

The Convention again met.

Mr. W. H. Steele, the Second Vice-President, in the chair.

The Convention then proceeded in Committee of the Whole, and, after some time spent therein, the hour of ten o'clock having arrived, the President resumed the chair, and the Convention adjourned.

Saturday, September 1, 1894.

The Convention met pursuant to adjournment.

Prayer by Rev. A. K. Duff.

On motion of Mr. O'Brien, the reading of the Journal of Friday, August thirty-first, was dispensed with.

The last Record appearing upon the files of members to-day is of date, August twenty-second.

By vote of the Convention, the following members were excused from attendance, as follows : Mr. Gibney, September third and fourth; Mr. Kinkel, September first; Mr. Crosby, September third; Mr. Davenport, September third, in the morning; Mr. Cassidy, September first; Mr. Parkhurst, until September fourth, in the afternoon; Mr. Williams, September first and third; Mr. Lauterbach, September first, in the afternoon; Mr. Lyon, September first and third.

By unanimous consent Mr. Bowers offered a resolution in words following :

Whereas, This Convention has learned with great sorrow, of the death of a son of our colleague the Hon. David McClure, of New York;

Resolved, That we extend to our colleague our sincerest and deepest sympathy in his affliction.

Mr. President put the question on said resolution, and it was adopted unanimously by a rising vote.

Mr. McMillan, from the Committee on Governor and State Officers, to which was referred the proposed amendment introduced by Mr. Lauterbach, introductory No. 35, entitled "Proposed constitutional amendment to amend section 1 of article 4 of the Constitution, in regard to the powers and duties of the Governor," etc., reported in favor of the passage of the same with some amendments, and the title amended so as to read as follows: "Proposed constitutional amendment to amend section 1 of article 4, and section 1 of article 5 of the Constitution, in regard to the terms of office, powers and duties of the Governor," etc., which report was agreed to, and said proposed amendment committed to the Committee of the Whole.

Mr. Mereness moved that the forest preserve amendment hold its place on the Calendar until the return of Mr. McClure.

Mr. President put the question on said motion, and it was determined in the affirmative.

Mr. Root called from the table the report of the Committee on Rules, favorable to the resolution offered by Mr. Barbite, in words following:

Resolved, That the Committee on Rules be directed to forthwith report an amendment to Rule 24, by striking out the words "two-thirds" and inserting in the place thereof the word "majority."

Mr. President put the question on said resolution, and it was determined in the affirmative.

Mr. Root called up the report of the Committee on Rules, in words following:

"Resolved, That the proposed constitutional amendments herein after mentioned, be made special orders for August thirty-first, at ten o'clock A. M., in the order stated below, and that they each be considered in the Committee of the Whole until disposed of, except that General Order No. 74, in regard to apportionment, take precedence over all other business after it is reached on the day now fixed for its consideration," reported the following order of business to be taken up by the Convention, unless otherwise ordered:

G. O. No.	Printed No.	Int. No.	By whom introduced — Title.
61..	439..	388..	Committee on Education — To amend article 9, relating to free common schools. (Special order for Monday and succeeding days, immediately after consideration of cities article.)
72..	452..	393..	Committee on Forest Preserves — To amend the Constitution relative to forest preserves. (Special order for Monday evening, August twenty-seventh.)
63..	442..	390..	Committee on Legislative Powers and Duties — To amend Constitution by addition of new article relative to waters of Niagara River. (Special order for Thursday evening, August thirtieth.)
....	129..	129..	Committee on Governor and State Officers — Fixing term.
53..	430..	386..	Committee on Canals — To amend article 7, section 3, relative to canals.
54..	431..	387..	Committee on Canals — To amend article 7, section 6, relative to canals.
58..	437..	252..	Mr. Cassidy — To amend article 7, sections 1 to 5, relative to canal debts.
67..	446..	392..	Committee on Charities — To amend article 5 of the Constitution.
74..	454..	376..	Mr. E. R. Brown — To amend article 3, relating to the apportionment of Senate and Assembly districts. (Special order for Tuesday morning, September 4, 1894.
32..	400..	100..	Mr. Roche — Prescribing the period of citizenship as a prerequisite to the right to vote.
34..	402..	253..	Mr. W. H. Nichols — Relating to registration of voters.
64..	443..	391..	Judiciary Committee — To amend article 2, relating to use of money for political purposes.
27..	395..	375..	Committee on Corporations — As to trusts or corporations. (Minority report on same General Order. Doc. No. 52.)
12..	436..	368..	Committee on Future Amendments — To amend article 13 relating to future amendments.

G. O. No.	Printed No.	Int. No.	By whom introduced — Title.
55..	432..	256..	Mr. C. H. Truax — To amend article 14 of the Constitution.
62..	441..	389..	Committee on Finance and Taxation — To amend article 3 by addition of two new sections.
69..	448..	520..	Mr. Kellogg and Mr. Coleman — To amend the Constitution relative to the liability of employers for injuries to employes.
		130	
57..	434..	69..	Mr. Marshall — To amend article 8, section 7, relative to liability of stockholders of banking corporations.
26..	393..	206..	Mr. H. A. Clark — Relating to civil service.
48..	425..	384..	Committee on Preamble — To amend article 1, section 10, in relation to the suppression of gambling.
44..	420..	325..	Mr. Foote — To authorize Legislature to provide for construction of dams and reservoirs.
42..	417..	327..	Mr. Parker — Relative to drainage of agricultural lands.
7..	316..	64..	Mr. Holls — To amend section 4 of article 2, relating to enforcing the duty of voting.
33..	401..	8..	Mr. Gilbert — In relation to the qualification of voters. (Minority report on same General Order. Doc. No. 48.)
35..	407..	322..	Mr. W. H. Steele — As to restrictions on private and local bills.
36..	408..	377..	Committee on Corporations — Relating to Corporations.
38..	413..	211..	Mr. Francis — Relative to religious liberty.
39..	414..	380..	Committee on Preamble — Persons answering for capital and otherwise infamous crimes.
40..	415..	381..	Committee on Preamble — To amend article 2, section 17 of the Constitution.
46..	423..	321..	Mr. Gilbert — To amend article 3 to establish boards of arbitration.
47..	424..	115..	Mr. Arnold — To amend article 3, relative to private and local bills.
51..	428..	329..	Mr. Becker — To amend article 10, section 1, relative to Governor removing public officers.

G. O. No.	Printed No.	Int. No.	By whom introduced—Title.
60..	438..	148..	Mr. Banks — To amend article 8, section 11, relative to debt limitation of cities.
66..	445..	158..	Mr. I. S. Johnson — To amend article 12, section 1, relating to oaths of office.
70..	449..	58..	Mr. Springweiler — To amend article 1, section 6, relative to conspiracies.
75..	455..	131..	Mr. Hill — To amend article 3, section 8, relating to the eligibility of persons to a seat in the Legislature.
71..	450..	363..	Mr. Cornwell — To prevent discrimination in rates or charges either by railroad, telegraph or telephone companies, corporations or common carriers doing business in this State.
68..	447..	210..	Mr. Banks — To amend article 8, relative to franchise in city streets and places.
59..	435..	372..	Mr. A. H. Green — To amend article 7 of the Constitution.
5..	421..	382..	Special committee — Relative to the transfer of land titles.
19..	386..	116..	Mr. Roche — To amend section 18 of article 3, relating to special or local laws.
23..	390..	146..	Mr. Roche — To amend section 13 of article 3, as to passage of bills by the Legislature.
24..	391..	215..	Mr. Becker — Relating to grants.
30..	398..	35..	Mr. H. A. Clark — As to the powers and duties of the Legislature in forming and dividing counties.
37..	412..	261..	Mr. Goodelle — Relative to criminal prosecutions.
43..	419..	352..	Mr. Nichols — Relative to soldiers and sailors' homes.
49..	426..	364..	Mr. Marks — To amend article 1, section 7, relating to taking private property for public use.
56..	433..	207..	Mr. Hawley — To amend article 8, section 6, in respect to banks.
73..	453..	333..	Mr. Cochran — To amend article 11, relative to the militia.
76..	456..	16..	Mr. Marks — To amend article 3, section 6, as to pay of members of the Legislature.
2..	202..	99..	Mr. Roche — Pensions.

Mr. President put the question on the adoption of said report, and it was determined in the affirmative.

Mr. Holls moved that the time for the consideration of the "Proposed constitutional amendment relating to free common schools," in Committee of the Whole, be extended to one o'clock to-day.

Mr. President put the question on said motion, and it was determined in the affirmative.

The Convention proceeded in Committee of the Whole, and, after some time spent therein, the hour of one o'clock having arrived, Mr. President resumed the chair.

Mr. G. W. Clark offered a resolution in words following :

Resolved, That the session this Saturday afternoon be from two until four o'clock, instead of from three until five o'clock.

Mr. President put the question on said resolution, and it was determined in the affirmative.

Mr. Lauterbach moved that the votes on all the amendments and the substitute proposed to the "Proposed constitutional amendment to amend article 9 of the Constitution, relating to free common schools," in Committee of the Whole, be postponed until Tuesday morning next, to which time the whole subject is postponed.

Mr. President put the question on said motion, and it was determined in the affirmative.

The Convention then took a recess until two o'clock.

AFTERNOON SESSION.

Two o'clock, P. M.

The Convention again met.

Mr. President announced the order of business to be General Orders.

The Convention proceeded in Committee of the Whole, and, after some time spent therein, the hour of four o'clock having arrived, the Second Vice-President resumed the chair.

On motion of Mr. President, the amendments and substitutes offered in Committee of the Whole, to General Order 63, printed No. 442, introductory No. 390, "relating to the diversion of the waters of Niagara river," the same being under consideration in said Committee of the Whole, were ordered printed.

The Convention then adjourned.

Monday, September 3, 1894.

The Convention met pursuant to adjournment.

Prayer by Rev. A. K. Duff.

On motion of Mr. Acker, the reading of the Journal of Saturday, September first, was dispensed with.

The last Record appearing upon the files of members to-day, is of date August twenty-second.

By vote of the Convention the following members were excused from attendance; as follows: Mr. Hill, for Monday next, and he withdrew his leave for to-day; Mr. Cochran, for to-day; Mr. Tucker, for September fourth and fifth; Mr. Powell, for September fourth; Mr. Lester, indefinitely; Mr. Cookinham, September third; Mr. Tekulsky, September fourth.

The Convention proceeded in Committee of the Whole, and, after some time spent therein, Mr. Cady, from said committee, reported:

The Committee of the Whole have had under consideration the proposed constitutional amendment, printed No. 442, entitled "Proposed constitutional amendment to amend the Constitution by the addition of a new article relating to the diversion of the

waters of Niagara river," have made some progress in the same, but not having gone through therewith, have instructed the chairman to report that fact to the Convention, and asked leave to sit again.

Mr. President put the question on granting leave, and it was determined in the affirmative.

Mr. Barhite moved that said amendment be recommitted to the Committee on Legislative Powers and Duties, with leave to report at any time, retaining its place on the calendar.

Mr. Forbes moved to substitute for the "Committee on Legislative Powers and Duties," the following, "a special committee of five, to be appointed by the President."

Mr. President put the question on said motion of Mr. Forbes, and it was determined in the negative.

Mr. President put the question on the motion of Mr. Barhite, and it was determined in the affirmative.

Mr. Forbes offered a resolution in words following:

Resolved, That a special committee of five be appointed by the President to consider what the State should do with its waters, excluding Niagara river and its other natural property, and report thereon, with any proposed amendments to the Constitution they may deem proper, on or before September sixth.

The resolution, giving rise to debate, was tabled under the rule.

On motion of Mr. McMillan, General Order No. 77, printed No. 457, introductory No. 35, entitled "Proposed constitutional amendment fixing the term of governor and other State officers," was passed, on account of its not being printed as amended, but retained its place on the Calendar.

On motion of Mr. McMillan, General Order No. 53, printed No. 430; also General Order No. 54, printed No. 431; also General Order No. 58, printed No. 437, all relating to the canals, were passed in the call of General Orders, retaining their place on the General Orders.

Mr. Veeder moved that General Order No. 67, printed No. 446, entitled "Proposed constitutional amendment to amend article 5 of the Constitution," change place on the Calendar with General Order No. 64, printed No. 443, entitled "Proposed constitutional

amendment to amend article 2, relating to use of money for political purposes."

Mr. President put the question on the motion of Mr. Veeder, and it was determined in the affirmative.

The Convention proceeded in Committee of the Whole, and, after some time spent therein, the hour of one o'clock having arrived, the President resumed the chair, and the Convention took a recess until three o'clock.

AFTERNOON SESSION.

Three o'clock P. M.

The Convention again met.

The Convention then proceeded in Committee of the Whole, and, after some time spent therein, Mr. McMillan, from said committee, reported in words following :

The Committee of the Whole have had under consideration the proposed constitutional amendment, printed No. 443, entitled "Proposed constitutional amendment to amend article 2 of the Constitution, by adding new sections relating to the use of moneys for political purposes," have gone through with the same, have made some amendments thereto, and instructed the chairman to report the same to the Convention, and recommend its passage.

Mr. President put the question on the adoption of said report, and it was determined in the affirmative.

Ayes — Messrs. Acker, Baker, Banks, Barhite, Becker, Bowers, Brown, E. R.; Cady, Campbell, Carter, Chipp, Jr.; Church, Clark, G. W.; Clark, H. A.; Cornwell, Countryman, Crimmins, Danforth, Davenport, Davies, J. C.; Davis, G. A.; Dickey, Durfee, Emmet, Floyd, Forbes, Frank, Augustus; Fuller, C. A.; Galinger, Gileran, Goeller, Green, A. H.; Hawley, Hill, Holls, Hotchkiss, Johnson, I. Sam; Johnson, J.; Kinkel, Kurth, Manley, Mantanye, Marks, Marshall, McDonough, McKinsty, McMillan, Meyenborg, Moore, Morton, Nichols, W. H.; Nicoll, De L.; O'Brien, Osborn, Parker, Pashley, Phipps, Platzek, Powell, Putnam, Roche, Root, Spencer, Steele, W. H.; Storm, Sullivan, W.; Tekulsky, Truax, C. H.; Tucker, Veeder, Whitmyer, Williams, President — 72.

Noes — Messrs. Bigelow, Brown, E. A.; Dean, Goodelle, Hedges, Hottenroth, Kellogg, Kimmey, Lauterbach, Lewis, C. H.; Maybee, McArthur, McCurdy, McLaughlin, C. B.; McLaughlin, J. W.; Mereness, Parmenter, Peck, Porter, Sullivan, T. A.; Tibbetts — 22.

And said amendment was referred to the Committee on Revision and Engrossment.

The hour of five o'clock having arrived the Convention took a recess until eight o'clock.

EVENING SESSION.

Eight o'clock P. M.

The Convention again met.

Mr. Root, from the Committee on Rules, reported as the limit of time for the debate in Committee of the Whole, on General Order No. 32, printed No. 400, introductory No. 100, entitled "Proposed constitutional amendment prescribing the period of citizenship as a prerequisite to the right to vote," be limited to thirty minutes.

Mr. President put the question on the adoption of said report, and it was determined in the affirmative.

Mr. Root, also from the Committee on Rules, reported the limit of debate in Committee of the Whole, on the following subjects: On General Order No. 77, printed No. 457, entitled "Proposed constitutional amendment fixing the terms of the Governor and State officers," at thirty minutes; on General Order No. 53, printed No. 430, entitled "Proposed constitutional amendment to amend article 7, section 3, relative to canals;" General Order No. 54, printed No. 431, entitled "Proposed constitutional amendment to amend article 7, section 6, relative to canals;" General Order No. 58, printed No. 437, entitled "Proposed constitutional amendment to amend article 7, sections 1 to 5, relative to canal debts," one session; on General Order No. 74, printed No. 454, entitled "Proposed constitutional amendment to amend article 3, relating to the apportionment of Senate and Assembly districts," the vote to be taken at three o'clock P. M., on Thursday next, unless sooner disposed of.

Mr. President put the question on the adoption of the report on the first proposition, being relating to General Order No. 77, and it was determined in the affirmative.

Mr. President put the question on the adoption of the report on General Order No. 53, General Order No. 54 and General Order No. 58, relating to canals.

Mr. Nichols moved to amend by striking out "one session" and inserting in lieu thereof "three hours."

Mr. President put the question on the motion of Mr. Nichols, and it was determined in the affirmative.

Mr. President put the question on agreeing to the report on said constitutional amendments as amended, and it was determined in the affirmative.

Mr. President put the question on the adoption of the report of the committee on General Order No. 74, relating to apportionment.

On this question Mr. Bowers, from the Committee on Rules, presented a minority report in words following:

MINORITY REPORT FROM COMMITTEE ON RULES.

That the time for debate upon the proposed amendment as to apportionment be five days.

September 3, 1894.

JOHN M. BOWERS,
Member Committee on Rules.

Mr. President put the question on the adoption of the minority report, and it was determined in the negative.

Mr. Roche then moved to amend the report of the Committee on Rules by striking out "three P. M. Thursday," and inserting in lieu thereof "Friday, at 12 M."

Mr. I. S. Johnson moved the previous question.

Mr. President put the question on said motion, and it was determined in the affirmative.

Mr. President put the question on the motion of Mr. Roche, and it was determined in the affirmative.

Mr. President put the question on the adoption of the report of the Committee on Rules as amended, and it was determined in the affirmative.

Mr. President put the question on agreeing to the report of the Committee on Rules as amended, and it was determined in the affirmative.

The Convention proceeded in Committee of the Whole, and, after some time spent therein, Mr. Tekulsky, from said committee, reported in words following :

The Committee of the Whole have had under consideration the proposed constitutional amendment, printed No. 400, entitled "Proposed constitutional amendment to amend section 1 of article 2, prescribing the period of citizenship as a prerequisite to the right to vote," have gone through with the same, have made no amendments thereto, and instructed the chairman to report the same to the Convention, and recommend its passage.

Mr. President put the question on the adoption of said report, and it was determined in the affirmative.

And said amendment was referred to the Committee on Revision and Engrossment.

The Convention again proceeded in Committee of the Whole, and, after some time spent therein, the hour of ten o'clock having arrived, Mr. President resumed the chair, and the Convention adjourned.

Tuesday, September 4, 1894.

The Convention met pursuant to adjournment.

Prayer by Rev. A. P. Canada.

On motion of Mr. O'Brien, the reading of the Journal of Monday, September third, was dispensed with.

By vote of the Convention, the following members were excused from attendance, as follows: Mr. Crosby, September third and fourth; Mr. Abbott, indefinitely; Mr. Wiggins, September fifth and sixth; Mr. Chipp, September fifth and sixth; Mr. Holcomb, September fourth; Mr. C. S. Truax, after the fifth until September fifteenth if necessary, without compensation; Mr. Sandford, until September seventh; Mr. E. A. Brown, September fourth; Mr. M. E. Lewis, September fourth and fifth; Mr. Maybee, September eighth, P. M., and tenth, A. M.; Mr. H. A. Clark, September sixth and seventh; Mr. A. B. Steele, September eighth; Mr. Powell, September fifth; Mr. Griswold, indefinitely;

Mr. Hedges, September tenth to fourteenth; Mr. Marshall, until September seventh; Mr. C. B. McLaughlin, September eighth, P. M.; Mr. Lauterbach, September fifth; Mr. Jenks, September eighth and tenth; Mr. Banks, September eighth; Mr. Kimmey, September fourth, P. M., and fifth.

The last Record appearing upon the files of members to-day is of date August twenty-third.

On motion of Mr. McDonough, the privileges of the floor were extended to the Hon. Randolph Tucker, of Virginia.

On motion of Mr. President, the privileges of the floor were extended to Rev. Dr. Henry M. Field, of New York city.

Mr. Forbes called up his resolution in words following:

Resolved, That a special committee of five be appointed by the President, to consider what the State should do with its waters, excluding Niagara river and its other natural property, and report thereon, with any proposed amendment to the Constitution they may deem proper, on or before September sixth.

By unanimous consent, Mr. Forbes amended said resolution so as to read as follows:

Resolved, That the question of the disposition of all the waters of the State, for industrial purposes, be referred to the Committee on Legislative Powers and Duties, with direction to report on or before September sixth.

Mr. President put the question on said resolution as amended, and it was determined in the affirmative.

Mr. I. S. Johnson offered a resolution in words following:

Resolved, That hereafter there be only two sessions of the Convention each day. One commencing at nine and holding until one o'clock, and one commencing at 2.30 and ending at six o'clock.

The resolution, giving rise to debate, was tabled under the rule.

Mr. Root, from the Committee on Rules, reported the resolution offered by Mr. Veeder, amended so as to read as follows:

Resolved, That whenever a vote is about to be taken upon any question in the Convention, or in a Committee of the Whole, tellers shall be appointed if demanded and required by twenty-five members.

Mr. President put the question on the adoption of the report, and it was determined in the affirmative.

The Convention then proceeded in Committee of the Whole to the consideration of the special order, and, after some time spent therein, Mr. C. H. Truax, from said committee, reported in words following:

The Committee of the Whole have had under consideration the proposed constitutional amendment, printed No. 439, entitled "To amend article 9, relating to free common schools," have gone through with the same, have made some amendments thereto, and instructed the chairman to report the same to the Convention and recommend its passage.

The question being on agreeing to said report, Mr. Root moved that the report be disagreed to and that said amendment be recommitted to the Committee on Education, with instructions to report the same amended to read as follows:

" ARTICLE IX.

"Sec. 1. *The Legislature shall provide for the maintenance and support of a system of free common schools, wherein all the children of this State may be educated.*

"Sec. 2. *The corporation created in seventeen hundred and eighty-four, under the name of the Regents of the University of the State of New York, is hereby continued under the name of the University of the State of New York. It shall be governed and its corporate powers, which may be increased, modified or diminished by the Legislature, shall be exercised by not less than nine regents.*

"Sec. 3. The capital of the common school fund, the capital of the literature fund, and the capital of the United States deposit fund, shall be respectively preserved inviolate. The revenue of the said common school fund shall be applied to the support of common schools; the revenue of the said literature fund shall be applied to the support of academies, and the sum of twenty-five thousand dollars of the revenues of the United States deposit fund shall, each year, be appropriated to, and made a part of, the capital of the said common school fund.

"Sec. 4. *Neither the State nor any subdivision thereof shall use its property or credit or any public money, or authorize or per-*

mit either to be used, directly or indirectly, in aid or maintenance, other than for examination or inspection, of any school or institution of learning, wholly or in part under the control or direction of any religious denomination, or in which any denominational tenet or doctrine is taught."

Mr. President put the question on the motion of Mr. Root, and it was determined in the affirmative.

Ayes — Messrs. Acker, Ackerly, Allaben, Arnold, Baker, Barhite, Barnum, Becker, Cady, Church, Clark, G. W.; Clark, H. A.; Cookinham, Cornwell, Davies, J. C.; Davis, G. A.; Dickey, Doty, Durfee, Faber, Francis, Frank, Augustus; Fraser, Fuller, C. A.; Fuller, O. A.; Gilbert, Goodelle, Hamlin, Hawley, Hedges, Hill, Holls, Johnson, I. Sam; Johnson, J.; Kellogg, Kinkel, Kurth, Lewis, C. H.; Lewis, M. E.; Lincoln, Manley, Mantanye, McArthur, McLaughlin, C. B.; McMillan, Mereness, Moore, Morton, Nichols, W. H.; Nostrand, O'Brien, Parker, Pashley, Phipps, Pool, Porter, Pratt, Root, Spencer, Springweiler, Steele, A. B.; Steele, W. H.; Storm, Sullivan, T. A.; Tibbetts, Vedder, Wellington, Whitmyer, Wiggins, Woodward, President — 71.

Noes — Messrs. Banks, Bigelow, Bowers, Brown, E. R.; Burr, Bush, Campbell, Carter, Cassidy, Chipp, Jr.; Cochran, Crimmins, Danforth, Davenport, Deady, Dean, Deterling, Deyo, Durnin, Emmet, Farrell, Fields, Fitzgerald, Floyd, Foote, Forbes, Frank, Andrew; Giegerich, Gilleran, Goeller, Green, A. H.; Hecker, Hotchkiss, Hottenroth, Jenks, Kerwin, Kimmey, Lauterbach, Marks, Marshall, Maybee, McCurdy, McDonough, McIntyre, McKinstry, McLaughlin, J. W.; Meyenborg, Nicoll, De L.; Ohmeis, Parmen-Peabody, Peck, Platzek, Powell, Roche, Rogers, Rowley, Schumaker, Smith, Speer, Sullivan, W.; Titus, Truax, C. H.; Truax, C. S.; Tucker, Veeder, Vogt, Williams — 68.

When the name of Mr. Galinger was called he stated that he was paired with Mr. Holcomb.

When the name of Mr. Osborn was called he asked to be, and was, excused from voting.

When the name of Mr. Putnam was called he stated that he was paired with Mr. Blake.

Mr. Holls then reported said amendment as directed by the Convention.

Mr. Root moved that said amendment be ordered to a third reading and referred to the Committee on Revision and Engrossment, and on that motion moved the previous question.

Mr. President put the question on the motion for the previous question, and it was determined in the affirmative.

Mr. President put the question on the motion of Mr. Root, ordering said amendment to a third reading and reference to the Committee on Revision and Engrossment, and it was determined in the affirmative.

Ayes — Messrs. Acker, Ackerly, Allaben, Alvord, Arnold, Baker, Barhite, Barnum, Barrow, Becker, Cady, Carter, Church, Clark, G. W.; Clark, H. A.; Cookinham, Cornwell, Davies, J. C.; Davis, G. A.; Dean, Dickey, Doty, Durfee, Faber, Floyd, Foote, Francis, Frank, Andrew: Frank, Augustus; Fraser, Fuller, C. A.; Fuller, O. A.; Gilbert, Goodelle, Green, A. H.; Hamlin, Hawley; Hedges, Hill, Holls, Johnson, I. Sam; Johnson, J.; Kellogg, Kinkel, Kurth, Lewis, C. H.; Lewis, M. E.; Lincoln, Manley, Mantanye, McKinstry, McLaughlin, C. B.; McMillan, Mereness, Moore, Morton, Nichols, W. H.; Nostrand, O'Brien, Parker, Pashley, Phipps, Pool, Porter, Root, Spencer, Springweiler, Steele, A. B.; Steele, W. H.; Storm, Sullivan, T. A.; Tibbetts, Vedder, Wellington, Whitmyer, Woodward, President — 77.

Noes — Messrs. Banks, Bigelow, Bowers, Brown, E. R.; Burr, Bush, Campbell, Cassidy, Cochran, Crimmins, Danforth, Davenport, Deady, Deterling, Deyo, Durnin, Emmet, Farrell, Fields, Fitzgerald, Forbes, Giegerich, Gilleran, Goeller, Hecker, Hotchkiss, Hottenroth, Jenks, Kerwin, Kimmey, Lauterbach, Marks, Marshall, Maybee, McCurdy, McDonough, McIntyre, McLaughlin, J. W.; Meyenborg, Nicoll, De L.; Ohmeis, Parmenter, Peabody, Peck, Platzek, Powell, Roche, Rogers, Rowley, Schumaker, Smith, Speer, Sullivan, W.; Titus, Truax, C. H.; Truax, C. S.; Tucker, Veeder, Vogt, Williams — 60.

Mr. McMillan offered a resolution in words following:

Resolved, That the vote by which the report of the Committee of the Whole, on General Order No. 64, "relating to the use of money for political purposes," was agreed to be reconsidered, and that the motion lay on the table.

Mr. President put the question on the motion to lay on the table, and it was determined in the affirmative.

The Convention then proceeded in Committee of the Whole to the consideration of the special order, and, after some time spent therein, the hour of one o'clock having arrived, the President resumed the chair and the Convention took a recess until three o'clock.

AFTERNOON SESSION.

Three o'clock P. M.

The Convention again met.

The Second Vice-President, Mr. W. H. Steele, in the chair.

The Convention then proceeded in Committee of the Whole, and, after some time spent therein, the hour of five o'clock having arrived, the President resumed the chair and the Convention took a recess until eight o'clock.

EVENING SESSION.

Eight o'clock P. M.

The Convention again met.

The Second Vice-President, Mr. W. H. Steele, in the chair.

The Convention then proceeded in Committee of the Whole, and, after some time spent therein, the hour of ten o'clock having arrived, the President resumed the chair and the Convention adjourned.

Wednesday, September 5, 1894.

The Convention met pursuant to adjournment.

Prayer by Rev. Henry M. Field.

On motion of Mr. Acker, the reading of the Journal of Tuesday, September fourth, was dispensed with.

The last Record appearing on the files of members to-day, is of date August twenty-third.

By vote of the Convention, the following members were excused from attendance, as follows: Mr. Peck, September eighth; Mr. Hotchkiss, until September seventh; Mr. Abbott, indefinitely; Mr. Cornwell, September eighth; Mr. McArthur, September sixth;

Mr. Meyenborg, September eighth; Mr. I. S. Johnson, September eighth; Mr. Peabody, September seventh; Mr. Tibbetts, September eighth; Mr. Durnin, September fifth; Mr. Manley, September tenth, Mr. Titus, September eighth, P. M.; Mr. Moore, September eighth; Mr. Porter, indefinitely.

On motion of Mr. C. B. McLaughlin, on behalf of Mr. Lauterbach, General Order No. 67, printed No. 446, introductory No. 392, entitled "Proposed constitutional amendment to amend article 5 of the Constitution," was recommitted to the Committee on Charities, retaining its place on the daily calendar.

Mr. I. S. Johnson moved that the resolution offered by him yesterday, relating to sessions of the Convention, lay on the table until the disposal of the apportionment special order, and that said resolution be taken up at that time.

Mr. President put the question on said motion, and it was determined in the affirmative.

The Convention then proceeded in Committee of the Whole to the consideration of the Special Order relating to apportionment, and, after some time spent therein, the President resumed the chair, and the Convention took a recess until three o'clock.

AFTERNOON SESSION

Three o'clock P. M.

The Convention again met.

By unanimous consent, Mr. Cornwell presented a communication from the various Farmers' Associations of the State of New York, relating to General Orders 62, 71 and 67, which was ordered printed and placed on the files of the members.

On motion of Mr. Cookinham, the privileges of the floor were extended to the Hon. Samuel F. Hunt, of Ohio.

The Convention then proceeded in Committee of the Whole to the Special Order relating to apportionment, and, after some time spent therein, the hour of five o'clock having arrived, the President resumed the chair, and the Convention took a recess until eight o'clock.

EVENING SESSION.

Eight o'clock P. M.

The Convention again met.

The second Vice-President, Mr. W. H. Steele, in the chair.

The Convention then proceeded in Committee of the Whole on the Special Order relating to apportionment, and, after some time spent therein, the hour of ten o'clock having arrived, the President resumed the chair, and the Convention adjourned.

Thursday, September 6, 1894.

The Convention met pursuant to adjournment.

Prayer by Rev. Walter C. Stewart.

On motion of Mr. Schumaker, the reading of the Journal of Wednesday, September fifth, was dispensed with.

The last record appearing upon the files of members to day is of date August twenty-fourth.

By vote of the Convention, the following members were excused from attendance, as follows: Mr. Lyon, until recovery; Mr. J. C. Davies, until September seventh; Mr. C. H. Lewis, September seventh and eighth; Mr. Pool, September eighth and tenth; Mr. Alvord, present week; Mr. Wellington, September tenth; Mr. Goodelle, September eighth; Mr. McIntyre, September tenth; Mr. Roche, September eighth and tenth; Mr. Giegerich, September eighth; Mr. Nicoll, September tenth; Mr. Forbes, September eighth, P. M.; Mr. Jacobs, week from September tenth to fifteenth; Mr. Fields, indefinitely; Mr. Herzberg, September eighth and tenth; Mr. Goeller, September tenth; Mr. M. E. Lewis, September sixth.

On motion of Mr. Cookinham the privileges of the floor were extended to Hon. Alfred Dolge, of Dolgeville, N. Y.

On motion of Mr. McKinstry, the privileges of the floor were extended to Hon. James O. Putnam, of Buffalo, N. Y.

Mr. W. H. Nichols offered a resolution in words following :

Resolved, That on Tuesday of next week, the Convention enter upon the consideration and disposition of such bills as shall be then on third reading, in the order in which they were sent to

a third reading, and that the whole day be devoted thereto, if necessary.

Referred to the Committee on Rules.

The Convention then proceeded in Committee of the Whole, to the consideration of the Special Order, and, after some time spent therein, the hour of one o'clock having arrived, the President resumed the chair, and the Convention took a recess until three o'clock.

AFTERNOON SESSION.

Three o'clock P. M.

The Convention again met.

Mr. W. H. Steele, Second Vice-President, in the chair.

Mr. Foote, from the Committee on Revision and Engrossment, to which was referred the proposed constitutional amendment introduced by Mr. Roche, introductory No. 100, reported by the Committee on Suffrage and by the Committee of the Whole, entitled "Proposed constitutional amendment to amend section 1 of article 2, prescribing the period of citizenship as a prerequisite to the right to vote," reports the same as examined and corrected and as correctly engrossed.

Mr. Foote, from the Committee on Revision and Engrossment, to which was referred the proposed constitutional amendment introduced by Mr. Gilbert, introductory No. 385, reported by the Committee on Legislative Powers and Duties, and by the Committee of the Whole, entitled "Proposed constitutional amendment to amend section 6 of article 10, in relation to the time when the Legislature shall assemble," reports the same as examined and corrected and as correctly engrossed.

Mr. Foote, from the Committee on Revision and Engrossment, to which was referred the proposed constitutional amendment introduced by Mr. E. R. Brown, introductory No. 47, reported by the Committee on Governor and Other State Officers, also Railroads, and by the Committee of the Whole, entitled "Proposed constitutional amendment to amend article 1 of the Constitution, against public officers riding on passes," reports the same as examined and corrected and as correctly engrossed.

Mr. Foote, from the Committee on Revision and Engrossment, to which was referred the proposed constitutional amendment introduced by Mr. McDonough, introductory No. 117, reported by the Committee on State Prisons, and by the Committee of the Whole, entitled "Proposed constitutional amendment to amend article 3 of the Constitution, by adding a section to provide for the occupation and employment of prisoners in State prisons, penitentiaries, jails and reformatories," reports the same as examined and corrected and as correctly engrossed.

Mr. Foote, from the Committee on Revision and Engrossment, to which was referred the proposed constitutional amendment introduced by Mr. Lauterbach, introductory No. 258, reported by the Committee on Suffrage, and by the Committee of the Whole, entitled "Proposed constitutional amendment to amend article 2 of the Constitution, relative to suffrage," reports the same as examined and corrected and as correctly engrossed.

Mr. Foote, from the Committee on Revision and Engrossment, to which was referred the proposed constitutional amendment introduced by the Committee on Education, introductory No. 388, reported by the Committee on Education, and by the Committee of the Whole, entitled "Proposed constitutional amendment to amend article 9 of the Constitution, relating to free common schools," reports the same as examined and corrected and as correctly engrossed.

The Convention then proceeded in Committee of the Whole, to the consideration of the Special Order, relating to apportionment, and, after some time spent therein, by unanimous consent, Mr. Barhite, from the Committee on Powers and Duties of the Legislature, to which was recommitted the proposed constitutional amendment introduced by said committee, introductory No. 390, printed No. 442, entitled "Proposed constitutional amendment to amend the Constitution by addition of a new article relative to diversion of the waters of Niagara river," reported in favor of the passage of the same with amendment, which report was agreed to and said amendment restored to its place on the General Orders, and ordered printed as amended.

The hour of five o'clock having arrived, the President resumed the chair, and the Convention took a recess until eight o'clock.

EVENING SESSION.

The Convention again met.

August 11 | Eight o'clock P. M.

Mr. Root moved that all leaves of absence heretofore granted by the Convention be revoked and that that motion lay on the table.

Mr. President put the question on the motion to lay on the table, and it was determined in the affirmative.

Mr. I. S. Johnson moved that after Saturday no further leaves of absence be granted to any Delegate except for sickness of the Delegate or of a member of his family.

Mr. President put the question on the adoption of said motion, and it was determined in the affirmative.

Mr. Forbes moved that the Committee on Legislative Powers and Duties be requested to report as directed by his resolution adopted on the fourth day of September, relating to the waters of the State.

Mr. Barhite, from said committee, reported that said committee was not quite ready to report.

Mr. Forbes then offered the following resolution :

Resolved, That a special committee of five be appointed by the President to consider what the State should do with its natural property, exclusive of the waters of the Niagara river, and report thereon with any proposed amendments to the Constitution they may deem proper.

The resolution, giving rise to debate, was tabled under the rule.

On motion of Mr. Barhite, the Committee on Legislative Powers and Duties was given until to-morrow to make a report on the previous resolution on said subject offered by Mr. Forbes.

The Convention then proceeded in Committee of the Whole, to the consideration of the Special Order, relating to apportionment, and, after some time spent therein, the hour of ten o'clock having arrived, the President resumed the chair, and the Convention adjourned.

Friday, September 7, 1894.

The Convention met pursuant to adjournment.

Prayer by Rev. C. P. Evans.

On motion of Mr. Peck, the reading of the Journal of Thursday, September sixth, was dispensed with.

The last Record appearing upon the files of the members this day is of date of August twenty-fourth.

By vote of the Convention, the following Delegates were excused from attendance, as follows: Messrs. Deyo, Cochran and Kinkel, September eighth; Mr. McKinstry, September tenth; Messrs. Deady, T. A. Sullivan and Galinger, September eighth, afternoon; Mr. C. B. McLaughlin, September tenth; Messrs. Faber and Pashley, September eighth.

On motion of Mr. Francis, the privileges of the floor were extended to General Lawton, of Georgia.

Mr. Forbes called up the resolution previously offered by him in words following:

“Resolved, That a special committee of five be appointed by the President to consider what the State should do with its natural property, exclusive of the waters of the Niagara river, and report thereon with any proposed amendments to the Constitution they may deem proper.”

Mr. Goodelle moved that said resolution lay on the table.

Mr. President put the question on the motion of Mr. Goodelle, and it was determined in the affirmative.

Mr. Lauterbach, from the Committee on Charities, to which was recommitted the proposed constitutional amendment, introduced by said committee, introductory No. 392, entitled “To amend article 5 of the Constitution,” reported in favor of the passage of the same, with amendment, which report was agreed to and said amendment restored to its place on the calendar, and ordered printed as amended.

Mr. Forbes moved that the Committee on Legislative Powers and Duties be instructed to report the resolution previously offered by him, relating to the waters of the State, to-morrow morning.

Mr. President put the question on the motion of Mr. Forbes, and it was determined in the negative.

Mr. Forbes then moved that the resolution offered by him this morning be taken from the table.

Mr. President put the question on the motion of Mr. Forbes, and it was determined in the negative.

The Convention then proceeded in Committee of the Whole to the consideration of the Special Order relating to apportionment, and, after some time spent therein, the President resumed the chair, and the Convention took a recess until three o'clock.

AFTERNOON SESSION.

Three o'clock P. M.

The Convention again met.

Mr. Vedder moved that discussion on the amendment proposed by Mr. Becker, in Committee of the Whole, just before the Committee of the Whole arose, on account of the hour of one o'clock having arrived, be allowed in Committee of the Whole until 4.15, and that the vote be taken thereon on or before that time.

Mr. McClure moved to amend so that unlimited debate be allowed on all amendments before any vote be taken.

Mr. President put the question on the motion of Mr. McClure, and it was determined in the negative.

Mr. President put the question on the motion of Mr. Vedder, and it was determined in the affirmative.

The Convention then proceeded in Committee of the Whole to the consideration of the Special Order, relating to apportionment, and, after some time spent therein, Mr. Durfee, from said committee, reported:

The Committee of the Whole have had under consideration the proposed constitutional amendment, printed No. 454, entitled "To amend article 3, relating to the apportionment of Senate and Assembly districts," have made some progress in the same, but not having gone through therewith, have instructed the chairman to report that fact to the Convention, and ask leave to sit again.

The question being on granting leave, Mr. Vedder moved to disagree with the report of the committee, and that said amendment be ordered to a third reading, and on that motion moved the previous question.

Mr. Roche offered an amendment to section 4.

Mr. President ruled it out of order.

Mr. Bowers raised the point of order that Rule 34 provides that "No proposed constitutional amendment shall be ordered to a third reading until it shall have been considered in Committee of the Whole." This bill has not been considered in Committee of the Whole, because there is a substitute and some amendments pending in that committee which have not been acted upon, and the word "considered" can only be treated as meaning plainly and fully considered, and under that rule leave to sit again must be granted, and we must go back into Committee of the Whole and dispose of the amendment and substitute which have not been acted upon; section 5 was never read, and the bill has never been read through in Committee of the Whole.

Mr. President ruled the point of order not well taken. Nothing can compel the Convention to go into Committee of the Whole unless it is so disposed.

Mr. Mulqueen rose to a question of privilege, and stated that he had proposed a substitute which was regularly received, and that he was entitled to have the vote of the house taken upon that substitute.

Mr. President ruled that, as a point of order, it was not well taken, and as a question of privilege, the Chair had no power to grant it.

Mr. Cochran raised the point of order that the rules provide that "Proposed constitutional amendments and other matters shall be considered in Committee of the Whole in the following manner, viz., they shall be first read through, if the committee so direct; otherwise they shall be read and considered by sections; when the limit of time has expired, the amendments which have been proposed and not previously acted upon shall be voted upon in their order without further debate. The proposed constitutional amendment as amended shall then be voted upon without debate, and the committee shall then rise and report in accordance with the action which it has taken." And I submit

that the motion to order this bill to a third reading is not in order for the reason that we had not proceeded further than the fourth section.

Mr. President ruled the point of order not well taken.

Mr. Cochran then raised the point of order that a bill cannot be ordered to a third reading until it has been reported back to the Convention from the Committee on Revision and Engrossment.

Mr. President ruled the point of order not well taken.

Mr. President put the question on the motion for the previous question, and it was determined in the affirmative.

Ayes — Messrs. Acker, Ackerly, Allaben, Arnold, Baker, Barhite, Barnum, Barrow, Becker, Brown, E. A.; Brown, E. R.; Cady, Carter, Church, Clark, G. W.; Coleman, Cookinham, Cornwell, Crosby, Davies, J. C.; Davis, G. A.; Deterling, Dickey, Doty, Faber, Floyd, Foote, Francis, Frank, Andrew; Frank, Augustus; Fraser, Fuller, C. A.; Fuller, O. A.; Galinger, Gilbert, Goodelle, Hamlin, Hawley, Hecker, Hedges, Hill, Holls, Jacobs, Johnson, I. Sam; Johnson, J.; Johnston, R. M.; Kinkel, Kurth, Lauterbach, Lewis, C. H.; Lincoln, Lyon, Manley, Mantanye, Marshall, McDonough, McIntyre, McKinstry, McLaughlin, C. B.; McMillan, Moore, Morton, Nichols, W. H.; Nostrand, Parker, Parkhurst, Pashley, Phipps, Pool, Putnam, Redman, Root, Spencer, Springweiler, Steele, A. B.; Steele, W. H.; Storm, Sullivan, T. A.; Turner, Veder, Vogt, Wellington, Whitmyer, Wiggins, Woodward President — 86.

Noes — Messrs. Banks, Bigelow, Blake, Bowers, Burr, Bush, Campbell, Chipp, Jr.; Cochran, Danforth, Davenport, Deady, Dean, Deyo, Durnin, Emmet, Farrell, Forbes, Gibney, Giegerich, Gilleran, Goeller, Green, A. H.; Grene, J. I.; Griswold, Holcomb, Hotchkiss, Hottenroth, Kerwin, Marks, Maybee, McClure, McCurdy, McLaughlin J. W.; Mereness, Meyenborg, Mulqueen, Nicoll, De L.; Ohmeis, Osborn, Parmenter, Peck, Platzek, Roche, Rogers, Rowley, Sandford, Smith, Speer, Sullivan, W.; Tekulsky, Titus, Towns, Truax, C. H.; Tucker, Veeder, Williams — 58.

When the name of Mr. O'Brien was called, he stated that he was paired with Mr. C. S. Truax.

When the name of Mr. Schumaker was called, he stated that he was paired with Mr. Porter.

When the name of Mr. Pratt was called, he stated that he was paired with Mr. Jenks.

Mr. President put the question on the motion of Mr. Vedder to disagree with the report of the Committee of the Whole and order said amendment to a third reading, and it was determined in the affirmative.

Ayes — Messrs. Acker, Ackerly, Allaben, Arnold, Baker, Barhite, Barnum, Barrow, Becker, Brown, E. A.; Brown, E. R.; Cady, Carter, Church, Clark, G. W.; Coleman, Cookinham, Cornwell, Crosby, Davies, J. C.; Davis, G. A.; Deterling, Dickey, Doty, Faber, Floyd, Foote, Francis, Frank, Andrew; Frank, Augustus; Fraser, Fuller, C. A.; Fuller, O. A.; Galinger, Gilbert, Goodelle, Hamlin, Hawley, Hecker, Hedges, Hill, Holls, Jacobs, Johnson, I. Sam; Johnson, J.; Kinkel, Kurth, Lauterbach, Lewis, C. H.; Lincoln, Lyon, Manley, Mantanye, Marshall, McArthur, McIntyre, McKinsty, McLaughlin, C. B.; McMillan, Moore, Morton, Nichols, W. H.; Nostrand, Parker, Parkhurst, Pashley, Phipps, Pool, Putnam, Redman, Root, Springweiler, Steele, A. B.; Steele, W. H.; Storm, Sullivan, T. A.; Turner, Vedder, Vogt, Wellington, Whitmyer, Wiggins, Woodward, President — 84.

Noes — Messrs. Banks, Bigelow, Blake, Bowers, Burr, Bush, Campbell, Cassidy, Chipp, Jr.; Cochran, Danforth, Deady, Dean, Deyo, Durnin, Emmet, Farrell, Forbes, Gibney, Giegerich, Gilleran, Goeller, Green, A. H.; Green, J. I.; Griswold, Holcomb, Hotchkiss, Hottenroth, Kerwin, Marks, Maybee, McClure, McCurdy, McLaughlin, J. W.; Meyenborg, Mulqueen, Nicoll, De L.; Ohmeis, Osborn, Parmenter, Peck, Platzek, Roche, Rogers, Sandford, Smith, Speer, Tekulsky, Titus, Towns, Truax, C. H.; Tucker, Veeder, Williams — 54.

When the name of Mr. Davenport was called, he stated that he was paired with Mr. R. M. Johnston.

When the name of Mr. McDonough was called, he stated that he was paired with Mr. Rowley.

The hour for adjournment having arrived, the Convention took a recess until eight o'clock.

EVENING SESSION.

Eight o'clock P. M.

The Convention again met.

Mr. Root, from the Committee on Rules, reported the following resolution:

Resolved, That on Tuesday morning of next week, the Convention enter upon the consideration and disposition of such bills as shall be then on third reading, in the order in which they were sent to a third reading, and continue until they are completed.

Mr. President put the question on the adoption of said report, and it was determined in the affirmative.

Mr. Goodelle moved to reconsider the vote by which the rule was adopted, prohibiting further leaves of absence, and it was determined in the negative.

The Convention then went into Committee of the Whole, and, after some time spent therein, Mr. Lauterbach, from said committee, reported:

The Committee of the Whole have had under consideration the proposed constitutional amendment, printed No. 402, entitled "To amend section 4 of article 2 of the Constitution, relating to registration of voters," have made some progress in the same, but not having gone through therewith, have instructed the chairman to report that fact to the Convention, and ask leave to sit again.

Mr. President put the question on the adoption of said report, and it was determined in the affirmative.

Mr. Root, from the Committee on Rules, reported the following as the limit of time for debate in Committee of the Whole on the General Orders mentioned:

On General Order No. 63, printed No. 459, relating to the diversion of the waters of Niagara river, thirty minutes further time.

On General Order No. 77, printed No. 457, relating to the terms of the Governor and State officers, thirty minutes.

On General Order No. 67, printed No. 446, relating to charities, four hours.

On General Order No. 34, printed No. 402, relating to registration of voters, thirty minutes further time.

On General Order No. 72, printed No. 452, relating to forest preservation, two hours.

Mr. President put the question on the adoption of said report, and it was determined in the affirmative.

The Convention then again proceeded in Committee of the Whole, and, after some time spent therein, Mr. Lauterbach, from said committee, reported:

The Committee of the Whole have had under consideration the proposed constitutional amendment, printed No. 402, entitled "To amend section 4 of article 2 of the Constitution, relating to registration of voters," have gone through with the same, have made some amendments thereto, and instructed the chairman to report the same to the Convention and recommend its passage.

Mr. Marshall moved to recommit said amendment to the Committee on Suffrage, with instructions to report the same forthwith amended as follows: After the word "voters," line 5, insert the words "except for town and village elections." Strike out all of line 9 except the word "but," and insert in place thereof the words "voters shall be registered upon personal application only."

Mr. Root moved the previous question.

Mr. President put the question on said motion, and it was determined in the affirmative.

Mr. President put the question on the motion of Mr. Marshall, and it was determined in the affirmative.

Mr. Bowers moved that the said amendment be printed and recommitted to the Committee of the Whole, retaining its place on the General Orders, to be considered to-morrow morning.

Mr. Root moved as a substitute that the report of the Committee of the Whole, together with the amendment ordered by the Convention, be agreed to and said amendment ordered to a third reading.

Mr. President put the question on the motion of Mr. Root, and it was determined in the affirmative.

And said amendment was referred to the Committee on Revision and Engrossment.

The Convention then again went into Committee of the Whole, and, after some time spent therein, the hour of ten o'clock having arrived, Mr. President resumed the chair and the Convention adjourned.

Saturday, September 8, 1894.

The Convention met pursuant to adjournment.

Prayer by Rev. A. K. Duff.

On motion of Mr. Acker, the reading of the Journal of Friday, September seventh, was dispensed with.

The last Record appearing on the files of members to-day is of date August twenty-fourth.

By vote of the Convention the following members were excused from attendance, as follows: Mr. Phipps, indefinitely; Mr. Francis, September eighth; Mr. Veeder September eighth, P. M.; Mr. Parmenter, September eighth, P. M.; Mr. Durnin, September eighth; Mr. Kellogg, September eighth; Mr. Griswold indefinitely; Mr. Alvord, indefinitely; Mr. J. I. Green, September eighth, P. M.; Mr. Andrew Frank, September eighth and tenth; Mr. Hecker, September eighth; Mr. Lauterbach, September eighth; Mr. Hedges, September eighth; Mr. Turner, September eighth.

On motion of Mr. Holls, the session of the Convention for this afternoon was changed from three to five to two to four.

The Convention then proceeded in Committee of the Whole, and, after some time spent therein, Mr. Roche, from said committee, reported:

The Committee of the Whole have had under consideration the proposed constitutional amendment, printed No. 452, entitled "To amend the Constitution relative to the forest preserves," have gone through with the same, have made an amendment thereto, and instructed the chairman to report the same to the Convention, and recommend its passage.

The question being on agreeing to said report, Mr. Durfee moved to disagree with said report, and that said proposed constitutional amendment be recommitted to the Special Committee on Forestry, with instructions to report said amendment forthwith amended as follows:

"The Legislature may provide for the remission of taxes on forest lands in the State owned by private individuals or corporations."

Mr. McClure moved the previous question.

Mr. President put the question on the motion of Mr. McClure, and it was determined in the affirmative.

Mr. President put the question on the motion of Mr. Durfee, and it was determined in the negative. |

Mr. President put the question on the adoption of the report of the Committee of the Whole, and it was determined in the affirmative; and said amendment was referred to the Committee on Revision and Engrossment.

The Convention again went into Committee of the Whole, and, after some time spent therein, the hour of one o'clock having arrived, the President resumed the chair and the Convention took a recess until two o'clock.

AFTERNOON SESSION.

Two o'clock P. M.

The Convention again met.

The Second Vice-President, Mr. W. H. Steele, in the chair.

The Convention proceeded in Committee of the Whole, and, after some time spent therein, Mr. Cady, from said committee, reported: |

The Committee of the Whole have had under consideration the proposed constitutional amendment, printed No. 459, entitled "To amend the Constitution by the addition of a new article, relating to the diversion of the waters of Niagara river," have made some progress in the same, but finding no quorum present, have instructed the chairman to report that fact to the Convention.

The President resumed the chair and directed the Secretary to call the roll, when the following Delegates answered as their names were called:

Messrs. Acker, Ackerly, Arnold, Baker, Barhite, Barnum, Barrow, Becker, Bowers, Brown, E. A.; Brown, E. R.; Cady, Church,

Clark, G. W.; Crosby, Danforth, Davenport, Dean, Deterling, Dickey, Doty, Durfee, Floyd, Foote, Forbes, Fuller, C. A.; Fuller, O. A.; Goeller, Green, A. H.; Hamlin, Hawley, Hill, Holls, Hotchkiss, Hottenroth, Johnson, I. Sam; Johnson, J.; Kimmey, Kurth, Lewis, M. E.; Lincoln, Lyon, Manley, Marshall, Maybee, McClure, McIntyre, McLaughlin, J. W.; McMillan, Mereness, Moore, Morton, Nichols, W. H.; Nicoll, De L.; O'Brien, Osborn, Parker, Peabody, Paltzek, Powell, Pratt, Putnam, Redman, Roche, Rogers, Root, Sandford, Spencer, Steele, W. H.; Storm, Sullivan, W.; Tekulsky, Towns, Truax, C. H.; Vedder, Vogt, Wellington, Whitmyer, President.

On a count a quorum was found to be present.

By unanimous consent, Mr. J. Johnson offered a resolution in words following:

Resolved, That the Committee on Cities are directed forthwith to report complete, as a substitute for sections 5 and 6 of General Order No. 13, and as additional sections to article 8, a proposed constitutional amendment as follows:

Section —. All cities are classified according to the latest State enumeration, as from time to time made, as follows: The first class includes all cities having a population of two hundred and fifty thousand, or more; the second class, all cities having a population of fifty thousand and less than two hundred and fifty thousand; the third class, all other cities. Laws relating to the property, affairs or government of cities, and the several departments thereof are divided into general and special city laws; general city laws are those which relate to all the cities of one or more classes; special city laws are those which relate to a single city, or to less than all the cities of a class. Special city laws shall not be passed except in conformity with the provisions of this section. After any bill for a special city law, relating to a city, has been passed by both branches of the Legislature, the house in which it originated shall immediately transmit a certified copy thereof, to the mayor of such city, and within fifteen days thereafter the mayor shall return such bill to the house from which it was sent, with his certificate thereon, stating whether the city has or has not accepted the same.

In every city of the first class, the mayor, and in every other city, the mayor and the legislative body thereof, concurrently,

shall act for such city as to such bill; but the Legislature may provide for the concurrence of the legislative body in cities of the first class. The Legislature shall provide for a public notice and opportunity for a public hearing concerning any such bill in every city to which it relates before action thereon. Such a bill, if it relates to more than one city, shall be transmitted to the mayor of each city to which it relates, and shall not be deemed accepted, unless accepted, as here provided, by every such city. Whenever any such bill is accepted, as herein provided, it shall be subject, as are other bills, to the action of the Governor. Whenever any such bill is returned without the acceptance of the city or cities to which it relates, or is not returned within such fifteen days, it may, nevertheless, again be passed by both branches of the Legislature, and it shall then be subject, as are other bills to the action of the Governor. In every special city law which has been accepted by the city or cities to which it relates, the title shall be followed by the words "accepted by the city," or "cities," as the case may be; in every such law which is passed without such acceptance, by the words "passed without the acceptance of the city," or "cities," as the case may be.

On motion of Mr. J. Johnson, said amendment was laid on the table and ordered printed.

The Convention then went into Committee of the Whole, and, after some time spent therein, Mr. Cady, from said committee, reported:

The Committee of the Whole have had under consideration the proposed constitutional amendment, printed No. 459, entitled "To amend the Constitution by the addition of a new article, relating to the diversion of the waters of Niagara river," have made some progress in the same, but not having gone through therewith, have instructed the chairman to report that fact to the Convention, and ask leave to sit again.

Mr. Acker moved that said report be disagreed to and the amendment rejected, and on that motion moved the previous question.

Mr. President put the question on the motion for the previous question, and it was determined in the negative.

Ayes — Messrs. Acker, Ackerly, Arnold, Barrow, Becker, Cady, Crosby, Dean, Doty, Forbes, Hamlin, Hawley, Hill, McMillan,

Nichols, W. H.; O'Brien, Putnam, Spencer, Woodward, President — 20.

Noes — Messrs. Baker, Barhite, Bigelow, Blake, Bowers, Brown, E. A.; Church, Clark, G. W.; Danforth, Davenport, Dickey, Durfee, Floyd, Foote, Frank, Augustus; Fuller, C. A.; Fuller, O. A.; Goeller, Green, A. H.; Holcomb, Hottenroth, Johnson, I. Sam; Johnson, J.; Kerwin, Kimmey, Kurth, Lincoln, Lyon, Manley, Marshall, McArthur, McClure, McDonough, Mereness, Moore, Morton, Nicoll, De L.; Osborn, Parker, Parkhurst, Peck, Platzek, Powell, Pratt, Redman, Roche, Rogers, Root, Rowley, Sanford, Towns, Vedder, Vogt, Wellington, Whitmyer — 55.

When the name of Mr. Deterling was called he stated that he was paired with Mr. Meyenborg.

When the name of Mr. M. E. Lewis was called he stated that he was paired with Mr. G. A. Davis.

When the name of Mr. Maybee was called he stated that he was paired with Mr. Pool.

Mr. Foote, from the Committee on Revision and Engrossment, to which was referred the proposed constitutional amendment introduced by the Committee on Judiciary, introductory No. 383, reported by the Committee on Judiciary and by the Committee of the Whole, entitled "Proposed constitutional amendment to amend article 6 of the Constitution, relating to the judiciary," reports the same as examined and corrected and as correctly engrossed.

The hour of four o'clock having arrived, the Convention adjourned.

Monday, September 10, 1894.

The Convention met pursuant to adjournment.

Prayer by Rev. D. G. McKey.

On motion of Mr. O'Brien, the reading of the Journal of Saturday, September eighth, was dispensed with.

The last Record appearing upon the files of members to-day is of date August twenty-fourth.

By vote of the Convention, the following members were excused from attendance, as follows: Mr. Mantanye, September tenth; Mr. Doty, until September thirteenth; Mr. Sandford, indefinitely; Mr. Powell, September tenth; Mr. Pashley, September tenth; Mr. Gilbert, September tenth.

Mr. Augustus Frank offered a resolution in words following:

Resolved, That when this Convention adjourns on Saturday of this week, the fifteenth inst., it adjourn to meet on Tuesday, the twenty-fifth inst., at noon.

On motion of Mr. Root, said resolution was laid on the table, and it was determined in the affirmative.

Mr. President directed the Secretary to call the roll to ascertain whether a quorum was present, when the following Delegates answered to the call of their names:

Messrs. Abbott, Acker, Ackerly, Arnold, Baker, Barhite, Barnum, Bigelow, Bowers, Brown, E. A.; Brown, E. R.; Burr, Cady, Carter, Cassidy, Chipp, Jr.; Church, Clark, G. W.; Clark, H. A.; Coleman, Cookinham, Countryman, Crosby, Danforth, Davenport, Dean, Dickey, Doty, Durfee, Emmet, Floyd, Foote, Forbes, Francis, Frank, Augustus; Fraser, Fuller, C. A.; Fuller, O. A.; Giegerich, Green, A. H.; Hamlin, Hawley, Hill, Holls, Hottenroth, Johnson, I. Sam; Kimmey, Kurth, Lester, Lewis, M. E.; Lincoln, Marshall, Maybee, McClure, McDonough, McLaughlin, J. W.; McMillan, Mereness, Moore, Morton, Nichols, W. H.; O'Brien, Osborn, Parker, Parkhurst, Parmenter, Pool, Porter, Redman, Roche, Rogers, Root, Rowley, Schumaker, Springweiler, Steele, A. B.; Steele, W. H.; Sullivan, T. A.; Towns, Truax, C. H.; Turner, Vedder, Whitmyer, Wiggins, Williams, Woodward, President.

During the roll call to ascertain if a quorum was present, the President ordered that the name of Mr. Koch, a Delegate, be stricken from the roll for the reason that said Delegate had never appeared and taken the oath of office.

Mr. President stated the pending question at the hour of adjournment on Saturday last to be upon the motion of Mr. Acker to disagree with the report of the Committee of the Whole, which was in words following:

"The Committee of the Whole have had under consideration the proposed constitutional amendment, printed No. 459, entitled 'To amend the Constitution by the addition of a new article relating to the diversion of the waters of Niagara river,' have made some progress in the same, but not having gone through therewith, have instructed the chairman to report that fact to the Convention, and ask leave to sit again," and that the said proposed constitutional amendment be rejected.

Mr. Bowers moved to amend as follows:

That the report of the Committee of the Whole be disagreed to and the proposed amendment be referred back to the Committee on Legislative Powers and Duties, with instructions to report the same forthwith in the following form:

The Legislature shall not hereafter grant the right to divert, from their natural channel, any of the waters of the Niagara river above the Niagara Falls, except for sanitary, domestic or fire purposes, or for the use of the Erie canal or the ship canal at Buffalo, or for canal slips leading to docks and wharves.

All corporations and persons now vested with the right to divert such waters, or who, for upwards of twenty years, by themselves and grantors have been engaged in the diversion of said waters, shall be under the direction and control of the Commissioners of the Land Office, who may, from time to time, after due notice to the Commissioners of the State Reservation at Niagara and to the parties interested, make such orders and give such directions in regard to the diversion and use of such waters as shall be just.

This section shall not affirm, enlarge or impair any existing claim of any person, company or corporation to divert such waters.

Mr. McClure moved to amend Mr. Bowers' amendment by striking out of the second paragraph all after the words "and

persons" and before the words "shall be under the direction," etc., and insert in lieu thereof the words "if any, vested with the right to divert such waters," so that the sentence shall read:

"All corporations, companies and persons, if any, vested with the right to divert such waters shall be under the direction and control of the Commissioners of the Land Office, who may, from time to time, after due notice to the Commissioners of the State Reservation at Niagara and to the parties interested, make such orders and give such directions in regard to the diversion and use of such waters as shall be just.

"This section shall not affirm, enlarge or impair any existing claim of any person, company or corporation to divert such waters."

Mr. A. H. Green moved to substitute the following:

The Legislature shall not, except for adequate compensation, grant, sell, lease, or otherwise dispose of, any right, title or interest in, or license or permission to use, any of the waters of Niagara river.

Nor shall the Legislature grant, sell, lease, or otherwise dispose of, the right, license or permission to divert any of the waters of said river, if the volume of water passing over Niagara Falls is thereby diminished.

The said river and its waters, so far as the same are within the jurisdiction of this State, shall be and remain its property and under its control and management forever.

All grants, sales, leases or other dispositions of any of said waters may be revoked by the State.

Mr. Becker moved to refer the matter back to the Committee on Legislative Powers with directions to report as follows:

ARTICLE —.

Section —. The right to divert the waters of Niagara river, above Niagara Falls, pursuant to any grant or license granted by the Legislature, and the right of any corporation other than a municipal corporation, and of any person actually engaged on the first day of September, in the year one thousand eight hundred and ninety-four, in the diversion of the waters of said river above said falls, for business or manufacturing purposes, shall be subject to regulation by the Commissioners of the Land Office in such manner that any diversion of said waters shall not impair the

beauty and grandeur of the American fall of said river or of the State Reservation at Niagara Falls. Said Commissioners of the Land Office may from time to time, after notice to the Commissioners of the State Reservation aforesaid, and to all other parties interested make such orders and give such directions in regard to said diversion and use of said waters as shall be just and proper. This section shall not be deemed to recognize any right, privilege or license under which any person or corporation may claim the right to divert the waters of said river, or to affect the power of the Legislature to regulate the diversion of said waters for the purpose of the Erie canal, or the ship canal at Buffalo, or for canal slips leading to docks and wharves along the shores of said river, or for sanitary or domestic purposes.

Mr. Roche moved to amend the substitute offered by Mr. Bowers, as follows:

After the words "use of such waters," add the words "and the compensation to be paid to the State therefor."

Mr. I. S. Johnson offered the following substitute:

Sec. —. The Legislature shall not grant, sell, lease or otherwise dispose of any right, title or interest in or to the Niagara river, or any of the waters thereof, but the same shall remain the property of the State, and under its management and control forever.

Substitute offered by Mr. Forbes:

Sec. —. The Legislature shall never sell or dispose of the waters belonging to the State. The right to use said water may only be granted on payment of compensation therefor to the State, and for limited periods not exceeding forty years. All grants of property rights in the waters of the State may be revoked by the State.

Mr. McClure moved that the original constitutional amendment be printed, together with all the substitutes and the amendments proposed therefor, and that the subject be made a special order for next Wednesday morning, after the third reading is completed.

Mr. Bowers moved to amend by striking out all after the word "morning," and insert in lieu thereof "immediately after the reading of the Journal, and that the debate be limited to one hour."

The motions of Mr. McClure and of Mr. Bowers were referred to the Committee on Rules.

The Convention proceeded in Committee of the Whole, and, after some time spent therein, Mr. Vedder, from said committee, reported in words following:

The Committee of the Whole have had under consideration the proposed constitutional amendment, printed No. 457, entitled "Proposed constitutional amendment to amend section 1 of article 4 and section 1 of article 5 of the Constitution, in regard to the terms of office, powers and duties of the Governor," etc., have gone through with the same, have made no amendment thereto, and recommend its passage.

Mr. Roche moved to disagree with said report and that said amendment be recommitted to the Committee on Governor and State Officers, with instructions to report forthwith, amended by adding at the end thereof the following:

Article 5 of the Constitution is hereby amended by repealing section 3 of article 5, and substituting the following in place thereof:

Sec. 3. There shall be a Superintendent of Public Works, who shall be chosen at a general election and who shall hold his office for the term of two years. No person shall be eligible to said office who is not a practical engineer or builder. He shall receive a compensation to be fixed by law, and which shall not be increased nor diminished during his term of office. He shall be required by law to give security for the faithful execution of his office before entering upon the duties thereof. The Superintendent of Public Works shall be charged with the execution of all laws relating to the construction, improvement, repair and navigation of the canals of the State, except in so far as the same shall be confided to the State Engineer and Surveyor; and, subject to the control of the Legislature, he shall make the rules and regulations for the navigation or use of the canals. He shall cause the canals to be opened for navigation at the earliest day practicable, and to that end he shall take proper measures for the prompt execution of all contracts which may be made for putting the canals in repair; and he shall be vigorous in supervising and bringing to completion all work authorized by law and which is necessary for securing the efficiency of the canals. He

shall make an annual report to the Legislature. He may be suspended or removed from office by the Governor or by the Senate, whenever the public interests shall so require, but only after he has been served with a copy of the charges against him, and he has had an opportunity to be heard in his defense.

When a vacancy shall occur, otherwise than by expiration of term, in the office of Superintendent of Public Works, the same shall be filled for the full term at the next general election happening not less than sixty days after such vacancy occurs, and until the vacancy shall be so filled, the Governor, by and with the advice and consent of the Senate, if the Senate shall be in session, or if not, the Governor alone may appoint to fill such vacancy. The Superintendent of Public Works shall appoint not more than three assistant superintendents, who shall hold their office for two years, and who shall possess the same qualifications as are required for the Superintendent. They shall receive a compensation to be fixed by law, which shall not be increased nor diminished during their term of office. Their duties shall be prescribed by the Superintendent, subject to modification by the Legislature. They shall be subject to suspension or removal by him, whenever in his judgment the public interests shall so require; and the cause of removal shall be at once reported to the Governor. Any vacancy in the office of Assistant Superintendent shall be filled for the remainder of the term by the Superintendent of Public Works by the appointment of a person qualified as aforesaid. All other persons employed in the care and management of the canals, except those in the department of the State Engineer and Surveyor, shall be appointed by the Superintendent of Public Works, and may be suspended or removed by him, and their names, residence, general duties and rate and amount of compensation paid them shall be stated in the annual report of the Superintendent. The first election under this section shall be held on the first Tuesday of November, eighteen hundred and ninety-five, and until a person shall be elected and shall qualify, the office of Superintendent of Public Works shall be filled in the manner provided in the Constitution, which was in force on the thirty-first day of December, eighteen hundred and ninety-four.

Mr. President put the question on the motion of Mr. Roche, and it was determined in the negative.

Ayes — Messrs. Arnold, Bigelow, Bowers, Burr, Campbell, Chipp, Jr., Cochran, Countryman, Danforth, Davenport, Deady, Dean, Dickey, Emmet, Floyd, Forbes, Fuller, O. A.; Green, A. H.; Holcomb, Hottenroth, Johnson, I. Sam, Kerwin, Kimmey, Marks, Maybee, McClure, McDonough, McLaughlin, J. W.; Mereness, Moore, Mulqueen, Ohmeis, Osborn, Platzek, Pratt, Roche, Rogers, Rowley, Schumaker, Smith, Towns, Truax, C. H.; Tucker, Veeder — 44.

Noes — Messrs. Abbott, Acker, Ackerly, Baker, Barhite, Barnum, Becker, Brown, E. A.; Brown, E. R.; Cady, Carter, Cassidy, Church, Clark, G. W.; Clark, H. A.; Coleman, Cookinham, Crosby, Doty, Durfee, Foote, Francis, Frank, Augustus; Fraser, Fuller, C. A.; Hamlin, Hawley, Hill, Holls, Johnson, J.; Kellogg, Kurth, Lauterbach, Lester, Lewis, M. E.; Lincoln, Lyon, Marshall, McCurdy, McMillan, Morton, Nichols, W. H.; O'Brien, Parkhurst, Parmenter, Peck, Pool, Putnam, Redman, Root, Steele, A. B.; Steele, W. H.; Sullivan, T. A.; Vedder, Whitmyer, Wiggins, Woodward, President — 58.

Mr. President put the question on the adoption of said report, and it was determined in the affirmative.

Ayes — Messrs. Abbott, Acker, Ackerly, Baker, Barhite, Barnum, Becker, Brown, E. A.; Brown, E. R.; Cady, Carter, Church, Clark, G. W.; Clark, H. A.; Coleman, Cookinham, Crosby, Davenport, Durfee, Emmet, Floyd, Foote, Francis, Frank, Augustus; Fuller, C. A.; Fuller, O. A.; Galinger, Giegerich, Green, A. H.; Hamlin, Hawley, Hecker, Hill, Holls, Johnson, J.; Kurth, Lauterbach, Lester, Lewis, M. E.; Lyon, Marshall, Maybee, McCurdy, McDonough, McMillan, Moore, Morton, Nichols, W. H.; O'Brien, Parkhurst, Phipps, Pool, Porter, Pratt, Putnam, Root, Steele, A. B.; Steele, W. H.; Sullivan, T. A.; Truax, C. H.; Turner, Vedder, Wiggins, Woodward, President — 65.

Noes — Messrs. Arnold, Bigelow, Burr, Cassidy, Chipp, Jr.; Cochran, Danforth, Deady, Dean, Dickey, Doty, Gibney, Holcomb, Hottenroth, Johnson, I. Sam, Kellogg, Kerwin, Kimmey, Marks, McClure, McLaughlin, J. W.; Mereness, Mulqueen, Ohmeis, Osborn, Parker, Parmenter, Peck, Platzek, Roche, Rogers, Rowley, Schumaker, Smith, Speer, Springweiler, Towns, Tucker, Veeder — 39.

And said amendment was referred to the Committee on Revision and Engrossment.

Mr. Root, from the Committee on Rules, recommended that General Order No. 63, relating to the diversion of the waters of Niagara river, be considered immediately after the conclusion of the third readings, which were a special order for Tuesday morning; that the time for consideration be limited to one hour in Convention, and speeches be limited to five minutes each.

Mr. Bowers dissented from said report.

Mr. President put the question on the adoption of the report, and it was determined in the affirmative.

The Convention then went into Committee of the Whole, and, after some time spent therein, the hour of one o'clock having arrived, the President resumed the chair, and the Convention took a recess until three o'clock.

AFTERNOON SESSION.

Three o'clock P. M.

The Convention again met.

The Convention then proceeded in Committee of the Whole, and, after some time spent therein, the hour of five o'clock having arrived, the President resumed the chair, and, by unanimous consent, Mr. Cady moved that the time for discussion of the canal amendments in Committee of the Whole be extended in this evening's session to nine o'clock instead of being closed at 8.25 in accordance with the time limit.

Mr. Cookinham moved to amend by continuing this afternoon session until six o'clock, and that the debate be closed in Committee of the Whole at that time.

Mr. President put the question on the motion of Mr. Cookinham, and it was determined in the affirmative.

The Convention then proceeded in Committee of the Whole, and, after some time spent therein, the hour of six o'clock having arrived, the Second Vice-President, Mr. W. H. Steele, took the chair and the Convention took a recess until eight o'clock.

EVENING SESSION.

Eight o'clock P. M.

The Convention again met, the Second Vice-President, Mr. W. H. Steele, in the chair.

On motion of Mr. Cady, and by unanimous consent, the limit for debate in the Committee of the Whole, on the canal amendment, was extended to 8.30.

The Convention then proceeded in Committee of the Whole, and, after some time spent therein, Mr. Barhite, from said committee, reported:

The Committee of the Whole have had under consideration the proposed constitutional amendment, printed No. 430, entitled "Proposed constitutional amendment to amend section 3 of article 7, relating to canals," have gone through with the same, and substituted said amendment for section 3 of printed No. 437 and instructed the chairman to report that action to the Convention.

The Committee of the Whole have had under consideration the proposed constitutional amendment, printed No. 431, entitled "Proposed constitutional amendment to amend section 6 of article 7, relating to canals," have gone through with the same, have made some amendments thereto, and instructed the chairman to report the same to the Convention and recommend its passage.

The Committee of the Whole have had under consideration the proposed constitutional amendment, printed No. 437, entitled "Proposed constitutional amendment to amend sections 1, 2, 3, 4, and 5 of article 7 of the Constitution, in relation to the canal debts and the maintenance of canals," have gone through with the same, have made an amendment thereto, and instructed the chairman to report the same to the Convention, and recommend its passage.

The question being on the adoption of said report, Mr. Roche moved to disagree with said report and that said proposed constitutional amendments be recommitted to the Committee on Canals, with instructions to substitute for both proposed constitutional amendments, printed Nos. 437 and 431, and report forthwith the following :

Repeal sections 1 to 6, both inclusive, of article 7, and substitute the following:

ARTICLE VII.

Section 1. The canals of this State shall remain the property of and shall be forever managed by the State; and no sale, lease or other disposition thereof shall be valid. No tolls shall be imposed on persons or property transported on the canals; but all boats navigating the canals and the owners and masters thereof shall be subject to such laws and regulations as have been or may hereafter be enacted concerning the navigation of the canals. The Legislature shall, annually, provide for meeting all the expenses of superintending and repairing the canals and the dams and feeders thereto, and of constructing necessary aqueducts and culverts, by imposing equitable taxes, which shall be paid into the State treasury. The Legislature shall, in like manner, provide for improving the locks of the canals and securing any needed additional feeders. All contracts for work or materials on any canal shall be made with the person who shall offer to perform or furnish the same at the lowest price, giving adequate security therefor. No extra compensation shall be made to any contractor; but if, from any unforeseen cause, the terms of any contract shall prove to be unjust and oppressive, the Canal Board may, upon the application of the contractor, cancel such contract.

Sec. 2. The State Engineer and Surveyor, the Superintendent of Public Works, and three persons to be named and selected by the Governor from among the commercial bodies of the State on or before the first day of March, one thousand eight hundred and ninety-five, shall constitute a commission, whose duty it shall be to make an examination of the canals with a view to the improvement thereof, or of such of them as it may be desirable to improve. They shall report as to the most feasible methods for making such improvements, and shall also make an estimate of the cost thereof; and such report shall be filed by them in the office of the Secretary of State on or before the first day of September, one thousand eight hundred and ninety-five. The Legislature shall provide for paying the expenses incurred by said commission in the execution of their duties. The Legislature shall make provision at the first session after the adoption of this Constitution for the submission to the voters, at a general election to be held on the Tuesday after the first Monday of November, one thousand eight hundred and ninety-five, of the question: "Shall the canals be deepened and

otherwise improved?" If the majority of votes upon that question shall be in the affirmative, it shall be the duty of the Legislature, at its next session, to prescribe a general plan for the improvement of the canals, or of such of them as it is desirable to improve, and to take measures for putting such plans into execution. The State may, from time to time, issue its bonds, in manner to be directed by the Legislature, to an amount not exceeding eight millions of dollars, which shall be used solely for the purpose of paying for the cost of improving said canals. The said bonds shall be payable at such time or times as shall be directed by the Legislature, not exceeding thirty years from the date of issue, and payment of the principal and interest thereof shall be provided for by taxes to be levied and imposed each year in which the principal and interest shall become due, or partly by funds from other sources as the Legislature shall direct to be applied for that purpose; and the Legislature may provide for the creation of a sinking fund to secure the payment of the principal and interest of the said bonded debt, in whole or in part.

Mr. President put the question on the motion of Mr. Roche, and it was determined in the negative.

Ayes — Messrs. Baker, Banks, Barrow, Blake, Bowers, Brown, E. A.; Burr, Campbell, Carter, Cochran, Coleman, Countryman, Davenport, Deady, Deyo, Emmet, Floyd, Forbes, Fraser, Gibney, Giegerich, Gilleran, Green, J. I.; Hill, Holcomb, Hottenroth, Kerwin, Kimmey, Mantanye, Marks, McArthur, McClure, Meyenborg, Moore, Mulqueen, Ohmeis, Parmenter, Peck, Platzek, Porter, Putnam, Roche, Rogers, Sandford, Smith, Speer, Springweiler, Steele, A. B.; Steele, W. H.; Storm, Sullivan, T. A.; Sullivan, W.; Tekulsky, Tibbetts, Titus, Towns, Truax, C. H.; Turner, Veeder, Williams — 59.

Noes — Messrs. Abbott, Acker, Ackerly, Allaben, Arnold, Barhite, Barnum, Becker, Bigelow, Brown, E. R.; Bush, Cady, Cassidy, Church, Clark, G. W.; Clark, H. A.; Cookinham, Cornwell, Crosby, Danforth, Davies, J. C.; Dean, Deterling, Dickey, Doty, Durfee, Foote, Francis, Frank, Augustus: Fuller, O. A.; Galinger, Goodelle, Green, A. H.; Hamlin, Hawley, Hecker, Hedges, Holls, Johnson, I. Sam; Johnson, J.; Kellogg, Kinkel, Kurth, Lauterbach, Lester, Lewis, C. H.; Lewis, M. E.;

Lincoln, Lyon, Marshall, Maybee, McCurdy, McDonough, McLaughlin, McMillan, Mereness, Morton, Nichols, W. H.; O'Brien, Parker, Parkhurst, Phipps, Pratt, Redman, Root, Schumaker, Spencer, Vedder, Vogt, Wellington, Wiggins, Woodward, President — 72.

On motion of Mr. I. S. Johnson, the session was extended for one hour.

Mr. Baker then moved that the report of the Committee of the Whole be disagreed to, and that printed No. 431, entitled "To amend section 6 of article 7, relating to canals," be recommitted to the Committee on Canals, with instructions to report the same forthwith amended as follows: After word "forever," line 7, insert the following: "The canals of the State may be improved in such manner as shall be provided by law, and the Legislature shall have the power to contract debts for the improvement of the canals, which shall be made payable at such time and in such manner as the Legislature may direct. The provisions of section 12 of this article shall not apply to the debts created pursuant to the provisions of this section."

Mr. President put the question on the motion of Mr. Baker, and it was determined in the negative.

Ayes — Messrs. Baker, Barrow, Blake, Bowers, Brown, E. A.; Burr, Campbell, Carter, Cochran, Coleman, Davies, J. C.; Deady, Dean, Deyo, Emmet, Floyd, Forbes, Frank, Augustus; Gibney, Giegerich, Gilleran, Green, J. I.; Hill, Holcomb, Hottenroth, Kerwin, Kimmey, Mantanye, Marks, McArthur, Meyenborg, Mulqueen, Ohmeis, Parmenter, Pashley, Putnam, Roche, Sandford, Smith, Speer, Springweiler, Sullivan, T. A.; Sullivan, W.; Tekulsky, Titus, Truax, C. H.; Veeder, Williams — 49.

Noes — Messrs. Abbott, Acker, Ackerly, Allaben, Arnold, Barhite, Barnum, Becker, Brown, E. R.; Cady, Cassidy, Church, Clark, G. W.; Clark, H. A.; Cookinham, Cornwell, Crosby, Danforth, Dickey, Doty, Durfee, Foote, Francis, Fuller, O. A.; Goodelle, Green, A. H.; Hamlin, Hawley, Hecker, Hedges, Holls, Hotchkiss, Johnson, I. Sam, Johnson, J.; Kellogg, Kinkel, Kurth, Lauterbach, Lester, Lewis, C. H.; Lewis, M. E.; Lincoln, Lyon, Marshall, Maybee, McCurdy, McDonough, McLaughlin, C. B.; McMillan, Mereness, Moore, Morton, Nichols, W. H.; O'Brien,

Parkhurst, Peck, Phipps, Pratt, Redman, Root, Schumaker, Steele, A. B.; Tibbetts, Vedder, Vogt, Woodward, President — 67.

Mr. Becker then moved that the report of the Committee of the Whole be disagreed to and that said proposed amendment, printed No. 431, be recommitted to the Committee on Canals, with instructions to report said amendment forthwith, amended as follows :

Add at the end of said proposed constitutional amendment No. 431, the following:

The canals of the State may be improved in such manner as shall be provided by law, and the Legislature shall have the power to contract debts not exceeding eight million dollars for the improvement of the canals, which shall be made payable at such time and in such manner as the Legislature shall direct. The provisions of section 12 of this article shall not apply to the debts created pursuant to the provisions of this section; but, before contracting any such debt, the Legislature shall submit to the people, at any general election, the question as to whether the amount of money proposed by the Legislature shall be expended for such improvement, and, if such expenditure be approved, the money arising from the creation of such debt shall be applied to such improvement, or the repayment of such debt, and to no other purpose whatever.

Mr. Hottenroth moved to amend said motion by striking out the word "shall" and insert in lieu thereof the word "may."

Mr. President put the question on the motion of Mr. Hottenroth, and it was decided in the negative.

Mr. President put the question on agreeing to said report, and it was determined in the negative.

On motion of Mr. Lauterbach, the amendments substantially agreed to, but informally, by the Committee on Charities, to the proposed constitutional amendment, printed No. 460, entitled "To amend article 5 of the Constitution," were ordered printed.

Mr. McClure moved that the Convention adjourn, and it was determined in the affirmative.

And, at 10.40, the Convention adjourned.

Tuesday, September 11, 1894.

The Convention met pursuant to adjournment.

Prayer by Rev. A. K. Duff.

The question being on approving the Journal of Monday, September tenth, Mr. Bush called for the reading of that portion of the Journal relating to striking the name of Mr. Koch from the roll of Delegates.

Said portion of the Journal being read, Mr. Bush offered a resolution in words following :

Resolved, That the name of Joseph Koch, a Delegate duly elected to this Convention from the Ninth Senate district, be replaced on the roll of Delegates of this Convention.

Mr. Root moved to amend by substituting the following:

Resolved, That the action of the Secretary in striking from the roll, under the direction of the President, the name of Joseph Koch, be and it is ratified and confirmed.

And on that motion moved the previous question.

Mr. President put the question on the motion of Mr. Root for the previous question, and it was determined in the affirmative.

Ayes — Messrs. Abbott, Acker, Ackerly, Allaben, Arnold, Baker, Barnum, Barrow, Becker, Brown, E. A.; Brown, E. R.; Cady, Church, Clark, G. W.; Clark, H. A.; Cookinham, Cornwell, Crosby, Davies, J. C.; Dean, Deterling, Dickey, Durfee, Floyd, Foote, Francis, Frank, Andrew; Frank, Augustus; Fuller, C. A.; Fuller, O. A.; Galinger, Gilbert, Goodelle, Hamlin, Hawley, Hecker, Hedges, Hill, Hirschberg, M. H.; Holls, Johnson, I. Sam, Johnson, J.; Kellogg, Kinkel, Kurth, Lauterbach, Lester, Lewis, C. H.; Lincoln, Lyon, Manley, Mantanye, Marshall, McArthur, McDonough, McIntyre, McKinstry, McLaughlin, C. B.; McMillan, Mereness, Moore, Morton, Nichols, W. H.; Nostrand, O'Brien, Parker, Parkhurst, Pashley, Phipps, Porter, Powell, Pratt, Putnam, Redman, Root, Schumaker, Smith, Spencer, Springweiler, Steele, A. B.; Steele, W. H.; Storm, Sullivan, T. A.; Tekulsky, Tibbetts, Turner, Veeder, Vogt, Wellington, Whitmyer, Wiggins, Woodward — 92.

Noes — Messrs. Banks, Barhite, Blake, Bowers, Bush, Campbell, Chipp, Jr.; Cochran, Coleman, Danforth, Davenport, Deady, Deyo, Emmet, Forbes, Giegerich, Goeller, Green, A. H.; Green, J. I.; Holcomb, Hotchkiss, Hottenroth, Jenks, Kerwin, Kimmey, Maybee, McClure, McCurdy, Meyenborg, Mulqueen, Nicoll, De L.; Ohmeis, Osborn, Parmenter, Peabody, Peck, Roche, Rogers, Rowley, Sandford, Sullivan, W.; Titus, Truax, C. H.; Tucker, Veeder, Williams — 46.

Mr. President put the question on the substitute offered by Mr. Root, and it was determined in the affirmative.

The Journal of Monday, September tenth, was then approved.

Mr. Root offered a resolution in words following:

Resolved, That henceforth no call for the ayes and noes be allowed, except upon the final passage of proposed constitutional amendments.

Referred to the Committee on Rules.

The last Record appearing on the files of members to-day, is of date August twenty-fourth.

On motion of Mr. Cady, the vote by which the report of the Committee of the Whole on the canal amendments was disagreed to last evening was reconsidered.

On motion of Mr. Veeder, the report of the Committee of the Whole on said amendments was disagreed to, and said amendments were recommitted to the Committee on Canals, with power to report at any time, retaining their places on the Calendar.

Mr. Lincoln moved that the proposed constitutional amendment, printed No. 454, entitled "To amend article 3, relating to the apportionment of Senate and Assembly districts," be recalled from the Committee on Revision and Engrossment, and that said amendment be recommitted to said committee, with instructions to report the same forthwith amended as follows:

Strike out all of line 24, page 14, and all following the same to and including line 12, on page 15, and substitute therefor: "One member of Assembly shall be apportioned to every county (including Fulton and Hamilton as one county), containing less than the ratio and one-half over; two members shall be apportioned to every other county; the remaining members of Assem-

bly shall be apportioned to the counties having more than two ratios, according to the number of inhabitants, excluding aliens. Members apportioned on remainders shall go to the counties having the highest remainders in the order thereof, respectively. No county shall, in any case, have more members of Assembly than a county having a greater number of inhabitants."

In place of the words "An additional Senator," on page 13, line —, General Order No. 74, and the first five lines on page 14, insert the following: "Every county having four or more Senators shall have a full ratio for each Senator. No county shall have more than one-third of all the Senators, and no two counties or the territory thereof, as now organized, which are adjoining counties, or which are separated only by public waters, shall have more than one-half of all the Senators. The ratio for apportioning Senators shall always be obtained by dividing the number of inhabitants, excluding aliens, by fifty; and the Senate shall always be composed of fifty members, except that of any county having three or more Senators at the time of apportionment, shall be entitled on such ratio to an additional Senator or Senators, such additional Senator or Senators shall be given to such county in addition to the fifty Senators.

And on his motion moved the previous question.

Mr. Veeder raised the point of order that this proposition is out of order, for the reason that the matter is not before the Convention. It is in the hands of the Committee on Revision, who have no power to make any alteration of any proposition, except so far as the grammar is concerned, or the felicity of expression. But anything that is new matter, or in any way makes a change, except as I have stated, cannot be considered at this time. There is nothing before the Convention upon this subject. It is in the committee, and not reported. If it was on the order of third reading, it might be considered by proper motion under the rules, but as it stands now, no motion can be made upon the subject.

Mr. President ruled the point of order as not well taken.

Mr. Bush raised the point of order, that this Convention cannot consider a matter in another order of business until that order of business is reached.

Mr. President ruled the point of order as not well taken.

Mr. Veeder raised the point of order that the rules of this Convention, under the order of business, require us now to proceed to the third reading of bills.

Mr. President ruled the point of order as not well taken.

Mr. Peck raised the point of order that this is a resolution in form, and under the rules of the Convention must go to the proper committee and be reported.

Mr. President ruled the point of order as not well taken.

Mr. Bowers — Mr. President, I have demanded the ayes and noes, of which right we are not yet deprived.

Mr. Bowers' call for the ayes and noes was sustained.

Mr. Veeder — Mr. President, I appeal to you to look at Rule 3 in the order of business.

Mr. President — The chair has disposed of the point of order of Mr. Veeder. The question is on Mr. Lincoln's motion to recall the apportionment amendment from the Committee on Revision, to recommit it to the Committee on Legislative Organization and Apportionment, with instructions to amend as he has stated. The yeas and nays are called for, and gentlemen as their names are called, in favor of Mr. Lincoln's motion, will say aye, and those opposed will say no.

The Secretary proceeded to call the roll.

Mr. Bowers — Mr. President, I desire to explain my vote. I regard this application of the previous question —

Mr. President — This is not on the previous question. We are voting upon Mr. Lincoln's motion.

Mr. Bowers — I beg your pardon.

Mr. President — The Chair expressly stated the question to be on Mr. Lincoln's motion.

Mr. Bowers — The Chair may state questions improperly, but that does not prevent the members of the Convention from having the right to have them presented properly. The yeas and nays have not been called, except upon the previous question on Mr. Lincoln's motion. As it stands now, it is debatable, and we will proceed to debate the whole question.

Mr. President — The previous question was not moved by anybody recognized by the Chair.

Mr. Bowers — Then, Mr. President, I make the point of order that the matter is open for debate.

Mr. President — It is too late to debate after the call has been entered upon. The Secretary will proceed with the call. The gentleman may explain his vote.

Mr. Cochran — Mr. President, we called for the ayes and noes on the previous question.

Mr. President — There was no person recognized who made any call for the previous question.

Mr. Cochran — Mr. President, I submit that Mr. Lincoln made a motion, and upon that motion moved the previous question.

Mr. President — Is Mr. Lincoln present? Did Mr. Lincoln move the previous question upon his motion?

Mr. Lincoln — I moved the previous question at the close of my resolution, Mr. President.

Mr. President — Then this call is upon the previous question. The Chair did not hear it.

Mr. President put the question on the motion of Mr. Lincoln, for the previous question, and it was determined in the affirmative.

Ayes — Messrs. Abbott, Acker, Ackerly, Allaben, Arnold, Baker, Barnum, Barrow, Becker, Brown, E. R.; Cady, Carter, Cassidy, Church, Clark, G. W.; Clark, H. A.; Cookinham, Cornwall, Crosby, Davies, J. C.; Davis, G. A.; Dean, Deterling, Dickey, Floyd, Foote, Francis, Frank, Andrew; Frank, Augustus; Fraser, Fuller, C. A.; Fuller, O. A.; Galinger, Goodelle, Hamlin, Hawley, Hedges, Hill, Hirschberg, M. H.; Holls, Johnson, I. Sam; Johnson, J.; Johnston, R. M.; Kellogg, Kinkel, Kurth, Lauterbach, Lester, Lewis, C. H.; Lewis, M. E.; Lincoln, Lyon, Manley, Mantanye, Marshall, McArthur, McDonough, McIntyre, McKinstry, McLaughlin, C. B.; McMillan, Moore, Morton, Nichols, W. H.; Nostrand, O'Brien, Parker, Parkhurst, Pashley, Phipps, Pool, Porter, Powell, Pratt, Putnam, Redman, Root, Spencer, Storm, Sullivan, T. A.; Tibbetts, Turner, Vedder, Vogt, Wellington, Whitmyer, Wiggins, Woodward, President — 89.

Noes — Messrs. Banks, Blake, Bowers, Burr, Bush, Campbell, Chipp, Jr.; Cochran, Danforth, Davenport, Deady, Deyo, Durfee, Emmet, Farrell, Forbes, Gibney, Giegerich, Gilleran, Goeller,

Green, A. H.; Green, J. I.; Holcomb, Hotchkiss, Hottenroth, Jenks, Kerwin, Kimmey, Marks, Maybee, McClure, McCurdy, Meyenborg, Mulqueen, Nicoll, De L.; Ohmeis, Osborn, Parmenter, Peabody, Peck, Platzek, Roche, Rogers, Rowley, Sandford, Schumaker, Smith, Sullivan, W.; Tekulsky, Titus, Towns, Truax, C. H.; Tucker, Veeder, Williams — 55.

Mr. President put the question on the motion of Mr. Lincoln, and it was determined in the affirmative.

Ayes — Messrs. Abbott, Acker, Ackerly, Allaben, Arnold, Baker, Barhite, Barnum, Barrow, Becker, Brown, E. A.; Brown, E. R.; Cady, Carter, Church, Clark, G. W.; Coleman, Cookinham, Cornwell, Crosby, Davies, J. C.; Davis, G. A.; Dean, Deterling, Dickey, Durfee, Floyd, Foote, Francis, Frank, Andrew; Frank, Augustus; Fraser, Fuller, C. A.; Fuller, O. A.; Galinger, Gilbert, Goodelle, Hawley, Hecker, Hedges, Hill, Hirschberg, M. H.; Holls, Johnson, I. Sam; Johnson, J.; Kellogg, Kinkel, Kurth, Lauterbach, Lester, Lewis, C. H.; Lewis, M. E.; Lincoln, Lyon, Manley, Mantanye, Marshall, McArthur, McDonough, McIntyre, McKinsty, McLaughlin, C. B.; McMillan, Moore, Morton, Nichols, W. H.; Nostrand, O'Brien, Parker, Parkhurst, Pashley, Phipps, Pool, Porter, Powell, Pratt, Putnam, Redman, Root, Spencer, Springweiler, Steele, W. H.; Storm, Sullivan, T. A.; Tibbetts, Turner, Vedder, Vogt, Wellington, Wiggins, Woodward, President — 90.

Noes — Messrs. Banks, Blake, Bowers, Burr, Chipp, Jr.; Cochran, Danforth, Davenport, Deady, Deyo, Emmet, Farrell, Gibney, Giegerich, Gilleran, Goeller, Green, A. H.; Green, J. I.; Holcomb, Hottenroth, Jenks, Kerwin, Kimmey, Marks, Maybee, McClure, McCurdy, Meyenborg, Mulqueen, Nicoll, De L.; Ohmeis, Osborn, Parmenter, Peabody, Peck, Platzek, Roche, Rogers, Rowley, Sandford, Schumaker, Smith, Speer, Sullivan, W.; Titus, Towns, Truax, C. H.; Tucker, Veeder, Williams — 51.

When the name of Mr. Forbes was called, he asked to be and was excused from voting.

Mr. Foote, from the Committee on Revision and Engrossment, reported said amendment as directed by the Convention.

On motion of Mr. Root, said amendment was then referred back to the Committee on Revision and Engrossment.

Mr. Dickey offered a resolution in words following:

Resolved, That the Committee on Revision be discharged from the further consideration of amendment (General Orders, No. 45), and that such amendment be recommitted to the Judiciary Committee, with instructions to amend it and forthwith report it, retaining its place on order of third reading, by amending section 7 by adding to the end thereof the following: "Whenever, and as often as there shall be an accumulation of causes on the calendar of the Court of Appeals, that the public interests require a more speedy disposition thereof, the said court may certify such fact to the Governor, who shall thereupon designate seven judges of the Supreme Court to act as associate judges for the time being of the Court of Appeals, and to form a Second Division of said court, and who shall act as such until all the causes on the said calendar at the time of the making of such certificates are determined, or the judges of said court, elected as such, shall certify to the Governor that said causes are substantially disposed of, and on receiving such certificate, the Governor may declare such division dissolved, and the designation of justices to serve thereon shall thereupon expire. The Second Division of said court hereby authorized to be constituted shall be competent to determine any causes on said calendar which may be assigned to such division by the court, composed of judges elected to serve in the Court of Appeals, and that court may at any time before judgment direct any of the causes so assigned to be restored to its calendar for hearing and decision. The rules of practice in both divisions shall be the same. Five members of the court shall be sufficient to form a quorum for said Second Division, and the concurrence of four shall be necessary to a decision. The judges composing said Second Division shall appoint from their number a chief judge of said division, and the Governor may, from time to time, when in his judgment the public interests may require, change the designation of any justice of the Supreme Court to serve in such division, and may fill any vacancy occurring therein by designating any justice of the Supreme Court to fill such vacancy. Said Second Division may appoint and remove a crier and such attendants as may be necessary. The judges composing said Second Division shall not, during the time of their service therein, exercise any of the

functions of justices of the Supreme Court, nor receive any salary or compensation as such justices, but in lieu thereof shall, during such term of service, receive the same compensation as the associate judges of the Court of Appeals. They shall have power to appoint the times and places of their sessions within this State, and the clerk and reporter of the Court of Appeals shall be the clerk and reporter of said Second Division.

And also amend section 9, so as to strike out the words "make the right of appeal depend upon the amount involved," and insert instead thereof, "increase the amount or value upon which the right to appeal is now limited by law," so section shall read :

Sec. 9. After the last day of December, 1895, the jurisdiction of the Court of Appeals (except where the judgment is of death) shall be limited to the review of questions of law. No unanimous decision of the appellate division of the Supreme Court that there is evidence supporting or tending to sustain a finding of fact or a verdict not directed by the court, shall be reviewed by the Court of Appeals. Except where the judgment is of death, appeals shall be taken to said court only from judgments or orders entered upon decisions of the appellate division of the Supreme Court, finally determining actions or special proceedings, and from orders granting new trials on exceptions, where the appellants stipulate that upon affirmance, judgment absolute shall be rendered against them.

The appellate division in any department may allow an appeal in any case which, in its opinion, involves a question of law which ought to be reviewed by the Court of Appeals.

The Legislature may further restrict the judgment of the Court of Appeals, and the right to appeal thereto, but it shall never increase the amount or value upon which the right to appeal is now limited by law.

Mr. Bowers moved to further instruct said committee to amend as follows:

Section 7, line 2, after word "office," insert the words "and of two additional justices."

Mr. President put the question on the motion of Mr. Bowers, and it was determined in the negative.

Mr. Dickey moved that the amendment offered by him be laid on the table and ordered printed.

Mr. President put the question on the motion of Mr. Dickey, and it was determined in the affirmative.

Mr. Burr offered a resolution in words following:

Whereas, There are several amendments now on General Orders, which it is of great importance should be considered and disposed of by the Convention before its adjournment, contemplating, as they do, great good to the people of the State, as follows: Prohibiting the formation of trusts or combinations, making taxation equal and uniform, providing that employers shall not be relieved from liability for injuries sustained by an employe through the negligence of another, providing for the suppression of gambling, providing for the establishment of State Board of Arbitration between employers and employes, preventing the grant of franchises in city streets without local consent, and preventing discrimination in rates or charges, either by railroad, telegraph or telephone companies; therefore, be it

Resolved, That this committee remain in continuous session until the following matters have been disposed of in the order here stated, the said matters to be taken up for consideration immediately after the completion of the business on the third order of reading set down for this day: General Order, No. 27, relating to the prohibition of trusts and combinations; General Order, No. 62, relating to taxation; General Order, No. 69, relative to the liability of employers for injuries to employes; General Order, No. 48, relative to the suppression of gambling; General Order No. 46, to establish Boards of Arbitration; General Order, No. 68, relating to the granting of franchises in city streets; General Order, No. 71, to prevent discrimination in rates or charges, either by railroad, telegraph or telephone companies; General Order, No. 49, taking private property for public use.

Referred to the Committee on Rules.

Mr. J. Johnson moved to take from the table the resolution offered by him in words following :

Resolved, That the Committee on Cities are directed forthwith to report, complete, as a substitute for sections 5 and 6 of General Order No. 13, and as additional sections to article 8, a proposed consitutional amendment, as follows:

PROPOSED CONSTITUTIONAL AMENDMENT

To Amend Article Eight of the Constitution by the Addition of
New Section.

*The Delegates of the People of the State of New York, in
Convention assembled, do propose as follows :*

Section —. All cities are classified according to the latest State enumeration, as from time to time made, as follows: The first class includes all cities having a population of two hundred and fifty thousand, or more; the second class, all cities having a population of fifty thousand and less than two hundred and fifty thousand; the third class, all other cities. Laws relating to the property, affairs or government of cities, and the several departments thereof, are divided into general and special city laws; general city laws are those which relate to all the cities of one or more classes; special city laws are those which relate to a single city, or to less than all the cities of a class. Special city laws shall not be passed except in conformity with the provisions of this section. After any bill for a special city law, relating to a city, has been passed by both branches of the Legislature, the house in which it originated shall immediately transmit a certified copy thereof to the mayor of such city, and within fifteen days thereafter the mayor shall return such bill to the house from which it was sent, with his certificate thereon, stating whether the city has or has not accepted the same.

In every city of the first class, the mayor, and in every other city, the mayor and the legislative body thereof, concurrently, shall act for such city as to such bill; but the Legislature may provide for the concurrence of the legislative body in cities of the first class. The Legislature shall provide for a public notice and opportunity for a public hearing concerning any such bill in every city to which it relates, before action thereon. Such a bill, if it relates to more than one city, shall be transmitted to the mayor of each city to which it relates, and shall not be deemed accepted, unless accepted, as here provided, by every such city. Whenever any such bill is accepted, as herein provided, it shall be subject, as are other bills, to the action of the Governor. Whenever any such bill is returned without the acceptance of the

city or cities to which it relates, or is not returned within such fifteen days, it may, nevertheless, again be passed by both branches of the Legislature, and it shall then be subject, as are other bills, to the action of the Governor. In every special city law which has been accepted by the city or cities to which it relates, the title shall be followed by the words "accepted by the city," or "cities," as the case may be; in every such law which is passed without such acceptance, by the words "passed without the acceptance of the city," or "cities," as the case may be.

Mr. President put the question on the motion of Mr. J. Johnson to take from the table, and it was determined in the affirmative.

The question then being put on the adoption of said resolution, Mr. President ruled the same out of order, for the reason that the sections mentioned were not in existence, having been stricken out by orders of the Convention, and, therefore, no substitute would or could be in order.

Mr. Cookinham moved to take from the table the proposed constitutional amendment, previously ordered to a third reading, as follows:

Printed No. 339, introductory No. 6, "To amend article 10, to do away with the office of coroner as a constitutional office;" printed No. 365, introductory No. 73, "To amend section 15 of article 3, relating to passage of bills;" printed No. 368, introductory No. 269, "To amend section 7 of article 4."

Mr. President put the question on the motion of Mr. Cookinham, and it was determined in the affirmative.

Mr. Cookinham moved that the Convention now proceed to the order of third reading.

Mr. President put the question on said motion, and it was determined in the affirmative.

Whereupon the proposed constitutional amendment, printed No. 339, in words following:

PROPOSED CONSTITUTIONAL AMENDMENT

To Amend Article Ten of the Constitution to Do Away With the Office of Coroner as a Constitutional Office.

The Delegates of the People of the State of New York, in Convention assembled, do propose as follows:

Section 1 of article 10 is hereby amended so as to read as follows:

Section 1. Sheriffs, clerks of counties, including the register and clerk of the city and county of New York, and district attorneys, shall be chosen, by the electors of the respective counties, once in every three years and as often as vacancies shall happen. Sheriffs shall hold no other office, and be ineligible for the next three years after the termination of their offices. They may be required by law to renew their security, from time to time; and in default of giving such new security, their offices shall be deemed vacant. But the county shall never be made responsible for the acts of the Sheriff. The Governor may remove any officer, in this section mentioned, within the term for which he shall have been elected; giving to such officer a copy of the charges against him, and an opportunity of being heard in his defense.

Was announced for third reading.

Mr. Mantanye moved to recommit said amendment to the Committee on County, Town and Village Officers, with instructions to report forthwith, amended so as to read as follows:

PROPOSED CONSTITUTIONAL AMENDMENT

To Amend Section One of Article Ten of the Constitution in Relation to the Election and Tenure of Office of Sheriffs and Other County Officers.

The Delegates of the People of the State of New York, in Convention assembled, do propose as follows:

Section 1 of article 10 of the Constitution is hereby amended so as to read as follows:

ARTICLE X.

Section 1. Sheriffs, clerks of counties, including the register and clerk of the city and county of New York, and district

attorneys, shall be chosen by the electors of the respective counties once in every three years, and as often as vacancies shall occur. But, by a general law, it shall be provided that boards of supervisors of counties, or the common council of a city, whose boundaries are the same as those of a county, may, by a two-thirds vote of all members elected, change the term of said officers to two or four years, and provided that they be elected in years of an odd number, and when a vacancy occurs it shall be filled for the unexpired term. Sheriffs shall hold no other office, and sheriffs shall be ineligible to the same office for the next three years after the termination of their offices. They may be required by law to renew their security from time to time, and in default of giving such new security, when ordered, their offices shall be vacant. The county shall never be made responsible for the acts of the sheriff. The Governor may remove any officer in this section mentioned within the term for which he shall have been elected, giving to such officer a copy of the charges against him and an opportunity to be heard in his defense.

Mr. President put the question on the motion of Mr. Mantanye to recommit, and it was determined in the negative.

Mr. Tibbetts moved to recommit to the Committee reporting it, with instructions to report the same forthwith amended, as follows:

After the word "office," in line 7, strike out "and shall be ineligible for the next three years after the termination of their offices."

Mr. President put the question on the motion of Mr. Tibbetts to recommit, and it was determined in the negative.

Mr. J. Johnson moved to recommit said amendment to the committee reporting it, with instructions to report the same forthwith amended, as follows:

And at the end thereof the following: "The Legislature may by general law devolve on the boards of supervisors of counties other than the counties of New York and Kings, and any county, the boundaries of which are the same as a city, the power to make the terms of office of the officers in this section named at two or four years."

Mr. President put the question on the motion of Mr. J. Johnson to recommit, and it was determined in the negative.

Said proposed constitutional amendment was then read the third time and passed, a majority of all the Delegates elected to the Convention voting in favor thereof.

Ayes — Messrs. Abbott, Acker, Ackerly, Allaben, Arnold, Baker, Banks, Barhite, Barnum, Barrow, Becker, Brown, E. A.; Brown, E. R.; Cady, Carter, Cassidy, Chipp, Jr.; Church, Clark, G. W.; Clark, H. A.; Cookinham, Cornwell, Crosby, Davenport, Davies, J. C.; Davis, G. A.; Deady, Deyo, Dickey, Durfee, Emmet, Floyd, Foote, Forbes, Francis, Frank, Andrew; Frank, Augustus; Fuller, C. A.; Galinger, Gilbert, Goodelle, Green, A. H.; Hamlin, Hawley, Hedges, Hill, Hirschberg, M. H.; Holls, Hotchkiss, Johnson, I. Sam; Johnson, J.; Johnston, R. M.; Kimmey, Kurth, Kinkel, Lauterbach, Lester, Lewis, C. H.; Lewis, M. E.; Lincoln, Manley, Marshall, Maybee, McDonough, McIntyre, McKinsty, McLaughlin, C. B.; McMillan, Morton, Nichols, W. H.; Nicoll, De L.; Nostrand, O'Brien, Parker, Parkhurst, Phipps, Platzek, Pool, Powell, Pratt, Putnam, Redman, Roche, Root, Rowley, Spencer, Steele, A. B.; Steele, W. H.; Storm, Sullivan, T. A.; Tibbetts, Vedder, Vogt, Wellington, Wiggins, Woodward, President — 97.

Noes — Messrs. Blake, Bowers, Burr, Bush, Cochran, Coleman, Danforth, Dean, Deterling, Fuller, O. A.; Giegerich, Gilleran, Goeller, Green, J. I.; Hecker, Holcomb, Hottenroth, Jenks, Kellogg, Kerwin, Lyon, Mantanye, Marks, McClure, McCurdy, Mereness, Meyenborg, Moore, Mulqueen, Ohmeis, Parmenter, Peabody, Schumaker, Speer, Springweiler, Titus, Towns, Truax, C. H.; Veeder, Williams — 40.

The hour of one o'clock having arrived, the Convention took a recess until three o'clock.

AFTERNOON SESSION.

Three o'clock P. M.

The Convention again met.

The proposed constitutional amendment, printed No. 365, in words following:

PROPOSED CONSTITUTIONAL AMENDMENT

To Amend Section Fifteen of Article Three so as to Secure Greater Publicity and Deliberation in the Passage of all Bills.

The Delegates of the People of the State of New York, in Convention assembled, do propose as follows:

Section 15 of article 3 is hereby amended to read as follows:

Sec. 15. No bill shall be passed or become a law unless it shall have been printed and upon the desks of the members, in its final form, at least three calendar legislative days prior to its final passage, unless the Governor, or the acting Governor, shall have certified to the necessity of its immediate passage, under his hand, and the seal of the State; nor shall any bill be passed or become a law, except by the assent of a majority of the members elected to each branch of the Legislature; and upon the last reading of a bill, no amendment thereof shall be allowed, and the question upon its final passage shall be taken immediately thereafter, and the yeas and nays entered on the Journal.

Was read the third time and passed, a majority of all the Delegates elected to the Convention voting in favor thereof.

Ayes — Messrs. Abbott, Ackerly, Arnold, Baker, Barnum, Barrow, Brown, E. A.; Brown, E. R.; Burr, Cady, Campbell, Carter, Cassidy, Church, Clark, G. W.; Clark, H. A.; Coleman, Cookinham, Cornwell, Countryman, Davenport, Davies, J. C.; Deady, Dean, Deterling, Deyo, Dickey, Durfee, Emmet, Farrell, Floyd, Foote, Forbes, Frank, Andrew; Fuller, C. A.; Fuller, O. A.; Galinger, Gibney, Giegerich, Gilbert, Gilleran, Green, A. H.; Hamlin, Hawley, Hecker, Hedges, Hill, Holls, Johnson, I. Sam; Johnson, J.; Kellogg, Kimmey, Kinkel, Kurth, Lewis, C. H.; Lincoln, Lyon, Manley, Mantanye, Marks, Maybee, McArthur, McClure, McDonough, McIntyre, McKinsty, McLaughlin, C. B.; McMillan, Mereness, Moore, Morton, Nichols, W. H.; Nostrand, O'Brien,

Ohmeis, Osborn, Parker, Parkhurst, Parmenter, Pashley, Phipps, Pool, Porter, Powell, Pratt, Putnam, Redman, Roche, Rogers, Root, Rowley, Sanford, Schumaker, Spencer, Springweiler, Steele, A. B.; Steele, W. H.; Storm, Sullivan, T. A.; Tekulsky, Tibbetts, Titus, Truax, C. H.; Turner, Vedder, Vogt, Wellington, Whitmyer, Wiggins, Williams, Woodward, President — 113.

Noes — Messrs. Bigelow, Chipp, Jr.; Cochran, Holcomb, McCurdy, Peck, Towns, Tucker, Veeder — 9.

By vote of the Convention the following member was excused from attendance, as follows: Mr. Durnin, September tenth and eleventh.

By unanimous consent Mr. Kurth offered a resolution in words following:

Whereas, Thomas Rochford was, on the 22d day of May, 1894, duly appointed a messenger of this Convention, and duly qualified and entered upon his duties as such.

And, whereas, thereafter, and on the twenty-ninth day of May, he was transferred to the office of the financial secretary of the Convention, and therein required to do clerical work and assist in making up the pay-rolls and receipts of the Convention, and as well as perform duties as messenger in said office,

Resolved, That said Thomas Rochford be and hereby is entitled, since the twenty-ninth day of May, to such pay as is commensurate with such added duties and work required and performed by him.

Referred to the Committee on Contingent Expenses.

Mr. Holcomb moved that the ayes and noes be read, as recorded, at the close of each roll call.

Mr. President put the question on the motion of Mr. Holcomb, and it was determined in the negative.

The proposed constitutional amendment, printed No. 368, in words following:

PROPOSED CONSTITUTIONAL AMENDMENT

To Amend Section Seven of Article Four of the Constitution.

The Delegates of the People of the State of New York, in Convention assembled, do propose as follows :

Section 7 of article 4 of the Constitution is hereby amended so as to read as follows :

Sec. 7. The Lieutenant-Governor shall possess the same qualifications of eligibility for office as the Governor. He shall be President of the Senate, but shall have only a casting vote therein. If, during a vacancy of the office of Governor, the Lieutenant-Governor shall be impeached, displaced, resign, die, or become incapable of performing the duties of his office, or be absent from the State, the President of the Senate shall act as Governor until the vacancy be filled, or the disability shall cease ; and if the President of the Senate for any of the above causes shall become incapable of performing the duties pertaining to the office of Governor, the Speaker of the Assembly shall act as Governor until the vacancy be filled or the disability shall cease.

Being announced for third reading, Mr. Cochran moved that said amendment be recommitted to the Committee on Governor and State Officers, with instructions to report the same forthwith, amended as follows :

Strike out on page 2, lines 2 and 3, the words "Speaker of the Assembly," and insert "Secretary of State."

Mr. President put the question on said motion, and it was determined in the negative.

Said proposed constitutional amendment was then read the third time and passed, a majority of all the Delegates elected to the Convention voting in favor thereof.

Ayes — Messrs. Abbott, Ackerly, Allaben, Arnold, Baker, Barnum, Barrow, Becker, Brown, E. A.; Brown, E. R.; Cady, Carter, Church, Clark, G. W.; Clark, H. A.; Coleman, Cookinham, Cornwell, Countryman, Crosby, Davies, J. C.; Davis, G. A.; Dean, Deterling, Deyo, Dickey, Durfee, Emmet, Floyd, Foote, Francis, Frank, Andrew; Frank, Augustus; Fuller, C. A.; Fuller, O. A.; Galinger, Gibney, Gilbert, Goodelle, Hamlin, Hawley, Hecker,

Hedges, Hill, Hirschberg, M. H.; Holls, Johnson, I. Sam; Johnson, J.; Kellogg, Kinkel, Kurth, Lauterbach, Lester, Lewis, C. H.; Lewis, M. E.; Lincoln, Lyon, Manley, Mantanye, Marshall, McArthur, McDonough, McIntyre, McKinstry, McLaughlin, C. B.; McMillan, Mereness, Moore, Morton, Nichols, W. H.; Nostrand, O'Brien, Parker, Parkhurst, Pashley, Phipps, Platzek, Pool, Porter, Powell, Pratt, Putnam, Redman, Root, Sandford, Spencer, Springweiler, Steele, A. B.; Steele, W. H.; Storm, Sullivan, T. A.; Tibbetts, Turner, Vedder, Vogt, Wellington, Whitmyer, Wiggins, Woodward, President — 100.

Noes — Messrs. Banks, Blake, Burr, Campbell, Cassidy, Chipp, Jr.; Cochran, Danforth, Davenport, Deady, Farrell, Forbes, Giegerich, Gilleran, Green, A. H.; Green, J. I.; Holcomb, Hotchkiss, Hottenroth, Kimmey, Marks, Maybee, McClure, McCurdy, Meyenborg, Ohmeis, Osborn, Parmenter, Peck, Rowley, Schumaker, Titus, Towns, Truax, C. H.; Tucker, Veeder, Williams — 37.

The proposed constitutional amendment, printed No. 380, in words following:

PROPOSED CONSTITUTIONAL AMENDMENT

To Amend Article One of the Constitution as to Damages for the
Loss of Human Life.

The Delegates of the People of the State of New York, in Convention assembled, do propose as follows:

Article 1 of the Constitution is hereby amended by inserting the following as a new section :

Sec. 19. The right of action now existing to recover damages for injuries resulting in death, shall never be abrogated; and the amount recoverable shall not be subject to any statutory limitation.

Being announced for third reading.

Mr. Tekulsky moved a call of the house.

Mr. President put the question on the motion of Mr. Tekulsky, and it was determined in the negative.

Said proposed constitutional amendment was then read the third time and passed, a majority of all the Delegates elected to the Convention voting in favor thereof.

Ayes — Messrs. Acker, Ackerly, Allaben, Arnold, Baker, Banks, Barhite, Blake, Bowers, Brown, E. R.; Burr, Cady, Campbell, Carter, Chipp, Jr.; Clark, G. W.; Cochran, Coleman, Gookinham, Countryman, Crosby, Davenport, Davis, G. A. Deady, Dean, Deterling, Dickey, Durfee, Emmet, Faber, Farrell, Floyd, Forbes, Frank, Andrew; Fraser, Fuller, C. A.; Gibney, Giegerich, Gilbert, Gileran, Green, A. H.; Green, J. I.; Hedges, Hill, Hirschberg, M. H.; Holls, Hottenroth, Jenks, Johnson, I. Sam; Kellogg, Kimmey, Kinkel, Kurth, Lauterbach, Lewis, M. E.; Lincoln, Manley, Marks, Marshall, Maybee, McArthur, McClure, McDonough, McIntyre, McLaughlin, C. B.; Meyenborg, Moore, Morton, Nichols, W. H.; Nicoll, De L.; Nostrand, O'Brien, Ohneis, Osborn, Parkhurst, Pashley, Phipps, Platzek, Porter, Powell, Pratt, Putnam, Redman, Roche, Rogers, Root, Rowley, Sandford, Smith, Spencer, Springweiler, Steele, A. B.; Storm, Sullivan, T. A.; Tekulsky, Titus, Towns, Truax, C. H.; Tucker, Turner, Vedder, Veeder, Vogt, Wellington, Whitmyer, Wiggins, Williams, Woodward — 107.

Noes — Messrs. Abbott, Barnum, Barrow, Becker, Bigelow, Brown, E. A.; Cassidy, Church, Clark, H. A.; Cornwell, Danforth, Davies, J. C.; Foote, Francis, Frank, Augustus; Fuller, O. A.; Galinger, Goeller, Goodelle, Hamlin, Hawley, Holcomb, Hotchkiss, Johnson, J.; Lester, Lewis, C. H.; Lyon, Mantanye, McCurdy, McKinstry, McMillan, Mereness, Parker, Parmenter, Peck, Pool, Schumaker, Steele, W. H.; Tibbetts, President. — 40.

The proposed constitutional amendment, printed No. 382, in words following:

PROPOSED CONSTITUTIONAL AMENDMENT

To Amend Section Ten of Article Three of the Constitution.

The Delegates of the People of the State of New York, in Convention assembled, do propose as follows:

Section 10 of article 3 of the Constitution is hereby amended so as to read as follows:

Sec. 10. A majority of each house shall constitute a quorum to do business. Each house shall determine the rules of its own proceedings, and be the judge of the elections, returns and qualifications of its own members; shall choose its own officers; and the Senate shall choose a temporary President to preside in case

of the absence or impeachment of the Lieutenant-Governor, or when he shall refuse to act as President, or shall act as Governor.

Was read the third time and passed, a majority of all the Delegates elected to the Convention voting in favor thereof.

Ayes — Messrs. Abbott, Acker, Ackerly, Allaben, Arnold, Baker, Banks, Barhite, Barnum, Barrow, Becker, Brown, E. A.; Brown, E. R.; Burr, Cady, Carter, Church, Clark, H. A.; Coleman, Cornwell, Davies, J. C.; Davis, G. A.; Deady, Dean, Deterling, Dickey, Durfee, Emmet, Faber, Floyd, Foote, Francis, Frank, Andrew; Frank, Augustus; Fraser, Fuller, C. A.; Fuller, O. A.; Galinger, Gibney, Gilbert, Goeller, Goodelle, Green, A. H.; Green, J. I.; Hamlin, Hawley, Hecker, Hedges, Hill, Hirschberg, M. H.; Holls, Johnson, I. Sam; Johnson, J.; Johnston, R. M.; Kellogg, Kinkel, Lauterbach, Lester, Lewis, C. H.; Lewis, M. E.; Lincoln, Lyon, Manley, Mantanye, Marshall, Maybee, McArthur, McDouough, McIntyre, McKinstry, McLaughlin, C. B.; McMillan, Mereness, Moore, Morton, Nichols, W. H.; Nicoll, De L.; Nostrand, O'Brien, Osborn, Parker, Parkhurst, Pashley, Phipps, Platzek, Pool, Porter, Powell, Pratt, Putnam, Redman, Roche, Rogers, Root, Rowley, Sandford, Schumaker, Smith, Spencer, Springweiler, Steele, A. B.; Steele, W. H.; Storm, Sullivan, T. A.; Tekulsky, Tibbetts, Turner, Vedder, Vogt, Wellington, Whitmyer, Wiggins, Woodward, President — 115.

Noes — Messrs. Blake, Bowers, Bush, Campbell, Chipp, Jr.; Danforth, Davenport, Deyo, Farrell, Forbes, Giegerich, Gilleran, Holcomb, Hotchkiss, Jenks, Kerwin, Kimmey, Kurth, Marks, McClure, McCurdy, Meyenborg, Ohmeis, Parmenter, Peck, Sullivan, W.; Titus, Tucker, Veeder, Williams — 29.

When the name of Mr. Countryman was called, he stated that he was paired with Mr. Cochran, who, if present, would have voted in the negative, and if not paired he would vote in the affirmative.

On motion of Mr. Marshall the session was extended to six o'clock.

The Second Vice-President, Mr. W. H. Steele, in the chair.

The proposed constitutional amendment, printed No. 399 in words following:

PROPOSED CONSTITUTIONAL AMENDMENT

To Amend Section Three of Article Two of the Constitution as to the Suffrage.

The Delegates of the People of the State of New York, in Convention assembled, do propose as follows:

Section 3 of article 2 of the Constitution is hereby amended so as to read as follows:

Sec. 3. For the purpose of voting, no person shall be deemed to have gained or lost a residence, by reason of his presence or absence, while employed in the service of the United States; nor while engaged in the navigation of the waters of this State, or of the United States, or of the high seas; nor while a student of any seminary of learning; nor while kept at any alms-house, or other asylum, or institution wholly or partly supported at public expense or by charity; nor while confined in any public prison.

Was read the third time and passed, a majority of all the Delegates elected to the Convention voting in favor thereof.

Ayes — Messrs. Abbott, Acker, Ackerly, Allaben, Arnold, Baker, Barhite, Barnum, Barrow, Becker, Brown, E. A.; Brown, E. R.; Cady, Carter, Cassidy, Church, Clark, G. W.; Clark, H. A.; Coleman, Cornwell, Countryman, Crosby, Davies, J. C.; Davis, G. A.; Deterling, Dickey, Durfee, Faber, Floyd, Foote, Forbes, Francis, Frank, Andrew; Frank, Augustus; Fraser, Fuller, C. A.; Fuller, O. A.; Galinger, Gibney, Gilbert, Goodelle Hamlin, Hawley, Hecker, Hedges, Hill, Hirschberg, M. H.; Holls, Johnson, J.; Kellogg, Kinkel, Kurth, Lauterbach, Lester, Lewis, C. H.; Lewis, M. E.; Lincoln, Lyon, Manley, Mantanye, Marshall, McDonough, McIntyre, McKinstry, McLaughlin, C. B.; McMillan, Mereness, Moore, Morton, Nichols, W. H.; Nostrand, O'Brien, Parker, Parkhurst, Pashley, Phipps, Pool, Porter, Powell, Pratt, Putnam, Redman, Root, Spencer, Springweiler, Steele, A. B.; Steele, W. H.; Storm, Sullivan, T. A.; Turner, Vedder, Vogt, Wellington, Wiggins, Woodward, President — 96.

Noes — Messrs. Banks, Blake, Bowers, Burr, Bush, Campbell, Chipp, Jr.; Cochran, Danforth, Davenport, Deady, Dean, Deyo, Emmet, Farrell, Giegerich, Gilleran, Goeller, Green, A. H.; Green, J. I.; Hottenroth, Jenks, Johnson, I. Sam; Kerwin, Kimmey,

Marks, Maybee, McArthur, McClure, McCurdy, Meyenborg, Nicoll, De L.; Ohmeis, Parmenter, Peck, Platzek, Roche, Rogers, Rowley, Sandford, Schumaker, Smith, Speer, Sullivan, W.; Tekulsky, Tibbetts, Titus, Towns, Truax, C. H.; Tucker, Veeder, Whitmyer, Williams — 53.

The proposed constitutional amendment, printed No. 399, in words following :

PROPOSED CONSTITUTIONAL AMENDMENT

To Amend Section Seven of Article Seven of the Constitution,
Entitled "Salt Springs."

The Delegates of the People of the State of New York, in Convention assembled, do propose as follows :

Section 7 of article 7 of the present Constitution is hereby abrogated.

Was read the third time and passed, a majority of the Delegates elected to the Convention voting in favor thereof.

Ayes — Messrs. Abbott, Acker, Ackerly, Allaben, Arnold, Baker, Banks, Barhite, Barnum Barrow, Becker, Brown, E. R.; Cady, Carter, Cassidy, Chipp, Jr.; Church, Clark, G. W.; Clark, H. A.; Cornwell, Countryman, Crosby, Davenport, Davies, J. C.; Davis, G. A.; Deterling, Dickey, Durfee, Faber, Floyd, Foote, Forbes, Francis, Frank, Andrew; Frank, Augustus; Fraser, Fuller, C. A.; Fuller, O. A.; Gallinger, Goodelle, Green, A. H.; Hamlin, Hawley, Hecker, Hedges, Hill, Hirschberg, M. H.; Holls, Johnson, I. Sam; Johnson, J.; Kellogg, Kurth, Lauterbach, Lester, Lewis, C. H.; Lewis, M. E.; Lincoln, Lyon, Manley, Marshall, McIntyre, McKinstry, McLaughlin, C. B.; McMillan, Mereness, Nichols, W. H.; Nostrand, O'Brien, Parker, Parkhurst, Pashley, Phipps, Platzek, Pool, Pratt, Putnam, Redman, Root, Rowley, Spencer, Steele, W. H.; Storm, Sullivan, T. A.; Tekulsky, Tibbetts, Turner, Vedder, Vogt, Wellington, Whitmyer, Wiggins, Woodward, President — 91.

Noes — Messrs. Bowers, Brown, E. A.; Burr, Bush, Campbell, Coleman, Deady, Dean, Deyo, Emmet, Farrell, Gilleran, Goeller, Jenks, Kerwin, Kimmey, Marks, McArthur, Meyenborg, Moore, Morton, Nicoll, De L.; Ohmeis, Parmenter, Peck, Powell, Roche, Rogers, Schumaker, Speer, Springweiler, Sullivan, W.; Titus, Truax, C. H.; Veeder, Williams — 36.

By unanimous consent, Mr. Root offered a resolution in words following:

Resolved, That the Committee on Privileges and Elections, to whom was referred the resolution on page 493 of the Convention Journal, August 15, 1894, be and the same are hereby discharged from the further consideration thereof; and be it further

Resolved, That the sitting Delegates of the Sixth Senatorial district, Messrs. John C. Kinkel, Charles J. Kurth, Charles L. Pashley, Wm. Deterling and J. Lott Nostrand, be and they are hereby entitled to the mileage provided by law and to the per diem allowance of ten dollars for every day during the period from May 8, 1894, to and including August 2, 1894, and that the payment thereof out of the fund appropriated for the expenses of the Convention, be and the same is hereby authorized and directed.

Mr. Powell moved that the Convention entertain the resolution at this time.

Mr. President put the question on said motion, and it was determined in the affirmative.

Mr. A. H. Green moved that the resolution be laid on the table.

Mr. President put the question on the motion to lay on the table, and it was determined in the negative.

Mr. President put the question on said resolution offered by Mr. Root, and it was determined in the affirmative.

By unanimous consent, Mr. Root offered a resolution in words following:

Resolved, That Messrs. Thomas A. Sullivan and Harvey W. Putnam, two of the sitting Delegates from the Thirtieth Senatorial district, be and they are hereby entitled to the mileage provided by law, and to the per diem allowance of ten dollars for every day during the period from May 8, 1894, to and including June 28, 1894, and that the payment thereof out of the fund appropriated for the expenses of the Convention, be and it hereby is authorized and directed.

Mr. President put the question on said resolution offered by Mr. Root, and it was determined in the affirmative.

The hour of six o'clock having arrived, the Convention took a recess until eight o'clock.

EVENING SESSION.

Eight o'clock, P. M.

The Convention again met.

Second Vice-President, Mr. W. H. Steele, in the chair.

Mr. Goodelle raised the point of order that no quorum was present.

The President directed the Secretary to call the roll when the following Delegates answered to the call of their names:

Messrs. Abbott, Ackerly, Arnold, Baker, Banks, Barhite, Barnum, Barrow, Bigelow, Blake, Brown, E. A.; Brown, E. R.; Burr, Bush, Cady, Carter, Cassidy, Chipp, Jr.; Church, Clark, G. W.; Clark, H. A.; Cochran, Coleman, Cornwell, Countryman, Crosby, Danforth, Davies, J. C.; Davis, G. A.; Dean, Deterling, Deyo, Dickey, Durfee, Faber, Farrell, Fitzgerald, Floyd, Foote, Forbes, Francis, Frank, Andrew; Frank, Augustus; Fraser, Fuller, C. A.; Fuller, O. A.; Galinger, Gibney, Giegerich, Gilbert, Gilleran, Goodelle, Green, A. H.; Green, J. I.; Hamlin, Hawley, Hecker, Hedges, Herzberg, A.; Hill, Hirschberg, M. H.; Holcomb, Holls, Hottenroth, Jenks, Johnson, I. Sam; Johnson, J.; Kellogg, Kimmey, Kinkel, Lauterbach, Lester, Lewis, C. H.; Lewis, M. E.; Lincoln, Lyon, Manley, Mantanye, Marks, Marshall Maybee, McArthur, McCurdy, McDonough, McIntyre, McKinsty, McLaughlin, C. B.; McMillan, Mereness, Meyenborg, Moore, Morton, Nichols, W. H.; Nicoll, De L.; O'Brien, Ohmeis, Osborn, Parker, Parmenter, Pashley, Peck, Phipps, Platzek, Pool, Porter, Powell, Pratt, Putnam, Redman, Roche, Rogers, Root, Rowley, Sandford, Schumaker, Spencer, Springweiler, Steele, A. B.; Steele, W. H.; Storm, Sullivan, W.; Tibbetts, Tucker, Turner, Vedder, Veeder, Vogt, Wellington, Whitmyer, Wiggins, Williams, Woodward, President.

The proposed constitutional amendment, printed No. 381, in words following:

PROPOSED CONSTITUTIONAL AMENDMENT

To Amend Section Five of Article Two of the Constitution
Relating to the Manner of Elections.

The Delegates of the People of the State of New York, in Convention assembled, do propose as follows :

Section 5 of article 2 of the Constitution is hereby amended so as to read as follows :

Sec. 5. All elections by the citizens, except for such town officers as may by law be directed to be otherwise chosen, shall be by ballot, or by such other method as may be prescribed by law, provided that secrecy in voting be preserved.

Was read the third time and passed, a majority of all the Delegates elected to the Convention voting in favor thereof.

Ayes — Messrs. Abbott, Ackerly, Allaben, Arnold, Barhite, Barnum, Barrow, Becker, Brown, E. A.; Brown, E. R.; Cady, Carter, Chipp, Jr.; Clark, G. W.; Clark, H. A.; Coleman, Countryman, Davies, J. C.; Davis, G. A.; Dickey, Durfee, Floyd, Foote, Forbes, Francis, Frank, Augustus; Fraser, Fuller, C. A.; Fuller, O. A.; Galinger, Gibney, Gilbert, Goodelle, Green, A. H.; Griswold, Hedges, Hill, Hirschberg, M. H.; Holls, Hotchkiss, Hottenroth, Jenks, Johnson, I. Sam; Johnson J.; Johnston, R. M.; Kellogg, Lauterbach, Lester, Lewis, C. H.; Lewis, M. E.; Lyon, Manley, Mantanye, Marshall, McArthur, McDonough, McLaughlin, C. B.; McMillan, Moore, Morton, Nichols, W. H.; Nicoll, De L.; O'Brien, Osborn, Parker, Parkhurst, Pashley, Phipps, Pool, Porter, Powell, Pratt, Putnam, Redman, Root, Springweiler, Steele, A. B.; Steele, W. H.; Storm, Sullivan, T. A.; Tibbetts, Towns, Turner, Vedder, Wellington, Wiggins, Woodward, President — 88.

Noes — Messrs. Baker, Banks, Bigelow, Blake, Bowers, Burr, Bush, Cassidy, Church, Cornwell, Crosby, Danforth, Davenport, Deady, Dean, Deterling, Deyo, Emmet, Faber, Farrell, Frank, Andrew; Gilleran, Goeller, Green, J. L.; Hamlin, Hawley, Hecker, Herzberg, A.; Holcomb, Kerwin, Kimmey, Kinkel, Marks, Maybee, McCurdy, McIntyre, McKinsty, Mereness, Meyenborg, Mulqueen, Nostrand, Ohmeis, Parmenter, Peabody, Peck, Rogers, Sandford, Schumaker, Spencer, Sullivan, W.; Tekulsky, Titus, Tucker, Veeder, Vogt, Whitmyer, Williams — 57.

The proposed constitutional amendment, printed No. 429, in words following:

PROPOSED CONSTITUTIONAL AMENDMENT

To Amend Section Seventeen of Article One of the Constitution, Relating to the Appointment of Commissioners of Codification.

The Delegates of the People of the State of New York, in Convention assembled, do propose as follows:

Section 17 of article 1 of the Constitution is hereby amended so as to read as follows:

Sec. 17. Such parts of the common law, and of the acts of the Legislature of the colony of New York, as together did form the law of the said colony, on the nineteenth day of April, one thousand seven hundred and seventy-five, and the resolutions of the congress of the said colony, and of the Convention of the State of New York, in force on the twentieth day of April, one thousand seven hundred and seventy-seven, which have not since expired, or been repealed or altered, and such acts of the Legislature of this State as are now in force, shall be and continue the law of this State, subject to such alterations as the Legislature shall make concerning the same. But all such parts of the common law, and such of the said acts, or parts thereof, as are repugnant to this Constitution, are hereby abrogated.

Was read the third time and passed, a majority of all the Delegates elected to the Convention voting in favor thereof.

Ayes — Messrs. Abbott Ackerly, Allaben, Arnold, Baker, Banks, Barhite, Barnum, Barrow, Becker, Blake, Bowers, Brown, E. A.; Brown, E. R.; Burr, Bush, Cady, Cassidy, Chipp, Jr.; Church, Clark, G. W.; Clark, H. A.; Cochran, Coleman, Cornwell, Countryman, Crosby, Danforth, Davenport, Davies, J. C.; Davis, G. A.; Deady, Dean, Deterling, Deyo, Dickey, Durfee, Emmet, Faber, Farrell, Floyd, Francis, Frank, Andrew; Frank, Augustus; Fraser, Fuller, C. A.; Fuller, O. A.; Galinger, Gibney, Giegerich, Gilbert, Gilleran, Goeller, Goodelle, Green, A. H.; Green, J. I.; Hamlin, Hawley, Hecker, Hedges, Herzberg, A.; Hill, Hirschberg, M. H.; Holls, Hotchkiss, Hottenroth, Johnson, I. Sam; Johnson, J.; Johnston, R. M.; Kellogg, Kimmey, Kinkel, Lauterbach, Lester, Lewis, C. H.; Lewis, M. E.; Lincoln, Lyon, Manley, Man-

tanye, Marshall, Maybee, McArthur, McCurdy, McDonough, McIntyre, McKinstry, McLaughlin, C. B.; McMillan, Mereness, Moore, Morton, Nichols, W. H.; Nostrand, O'Brien, Osborn, Parker, Parkhurst, Pashley, Peck, Phipps, Platzek, Pool, Porter, Pratt, Putnam, Redman, Root, Spencer, Steele, A. B.; Steele, W. H.; Storm, Sullivan, T. A.; Tibbetts, Truax, C. H.; Turner, Vedder, Vogt, Wellington, Whitmyer, Wiggins, Woodward — 122.

Noes — Messrs. Fitzgerald, Forbes, Griswold, Jenks, Marks, McClure, Meyenborg, Mulqueen, Nicoll, De L.; Parmenter, Peabody, Powell, Schumaker, Titus, Towns, Tucker, Veeder — 17.

On motion of Mr. Marshall, the session was extended until eleven o'clock.

The proposed constitutional amendment, printed No. 418, in words following:

PROPOSED CONSTITUTIONAL AMENDMENT

To Amend Article Three of the Constitution of the State of New York Relating to Legislation.

The Delegates of the People of the State of New York, in Convention assembled, do propose as follows:

Article 3 of the Constitution is hereby amended by adding at the end thereof a new section to read as follows:

Sec. 26. No provision or enactment shall be embraced in the annual appropriation or supply bill, unless it relates specifically to some particular appropriation in the bill; and any such provision or enactment shall be limited in its operation to such appropriation.

Being announced for third reading.

Mr. J. Johnson moved that said amendment be recommitted to the Committee on Legislative Powers and Duties, with instructions forthwith to report the amendment as it now stands with an additional section, as follows:

Sec. 27. All cities are classified according to the latest State enumeration, as from time to time made, as follows: The first class includes all cities having a population of two hundred and fifty thousand, or more; the second class, all cities having a population of fifty thousand and less than two hundred and fifty thousand; the third class, all other cities. Laws relating to the

property, affairs or government of cities, and the several departments thereof, are divided into general and special city laws; general city laws are those which relate to all the cities of one or more classes; special city laws are those which relate to a single city, or to less than all the cities of a class. Special city laws shall not be passed except in conformity with the provisions of this section.

After any bill for a special city law, relating to a city, has been passed by both branches of the Legislature, the house in which it originated shall immediately transmit a certified copy thereof to the mayor of such city, and within fifteen days thereafter the mayor shall return such bill to the house from which it was sent, with his certificate thereon, stating whether the city has or has not accepted the same.

In every city of the first class, the mayor, and in every other city, the mayor and the legislative body thereof, concurrently, shall act for such city as to such bill; but the Legislature may provide for the concurrence of the legislative body in cities of the first class. The Legislature shall provide for a public notice and opportunity for a public hearing concerning any such bill in every city to which it relates, before action thereon. Such a bill, if it relates to more than one city, shall be transmitted to the mayor of each city to which it relates, and shall not be deemed accepted, unless accepted, as here provided, by every such city. Whenever any such bill is accepted, as herein provided, it shall be subject, as are other bills, to the action of the Governor. Whenever any such bill is returned without the acceptance of the city or cities to which it relates, or is not returned within such fifteen days, it may, nevertheless, again be passed by both branches of the Legislature, and it shall then be subject, as are other bills, to the action of the Governor. If the session of the Legislature at which such bill passed is terminate before it is returned, it shall be transmitted by the mayor to the Governor, and if accepted, and otherwise it shall be subject as other bills then are to the action of the Governor thereon. In every special city law which has been accepted by the city or cities to which it relates, the title shall be followed by the words "accepted by the city," or "cities," as the case may be; in every such law which is passed without such acceptance, by the words "passed without the acceptance of the city," or "cities," as the case may be.

Mr. President put the question on the motion of Mr. J. Johnson, and it was determined in the negative.

Said proposed constitutional amendment was then read the third time and passed, a majority of all the Delegates elected to the Convention voting in favor thereof.

Ayes — Messrs. Abbott, Ackerly, Allaben, Arnold, Baker, Banks, Barhite, Barnum, Barrow, Becker, Blake, Bowers, Brown, E. A.; Brown, E. R.; Burr, Cady, Cassidy, Clark, G. W.; Clark, H. A.; Cochran, Cornwell, Countryman, Crosby, Danforth, Davenport, Davis, G. A.; Deady, Dean, Deterling, Deyo, Dickey, Durfee, Emmet, Faber, Farrell, Fitzgerald, Floyd, Forbes, Francis, Frank, Andrew; Fraser, Fuller, C. A.; Galinger, Gibney, Gilbert, Goodelle, Green, A. H.; Griswold, Hamlin, Hawley, Hecker, Hedges, Herzberg, A.; Hill, Hirschberg, M. H.; Holls, Hottenroth, Jenks, Johnson, I. Sam; Johnson, J.; Johnston, R. M.; Kellogg, Kerwin, Kinkel, Lauterbach, Lester, Lewis, C. H.; Lincoln, Lyon, Manley, Marks, Marshall, Maybee, McCurdy, McDonough, McIntyre, McKinsty, McLaughlin, C. B.; McMillan, Mereness, Moore, Morton, Mulqueen, Nichols, W. H.; O'Brien, Osborn, Parker, Parkhurst, Parmenter, Pashley, Peck, Phipps, Platzek, Pool, Porter, Pratt, Putnam, Redman, Root, Rowley, Schumaker, Steele, A. B.; Steele, W. H.; Storm, Sullivan, T. A.; Tekulsky, Tibbetts, Titus, Towns, Truax, C. H.; Turner, Vogt, Wellington, Wiggins, Woodward, President — 119.

Noes — Messrs. Gilleran, Mantanye, Powell — 3.

Mr. Jenks moved that the Convention now adjourn.

Mr. President put the question on said motion, and it was determined in the negative.

The proposed constitutional amendment, printed No. 400, in words following:

PROPOSED CONSTITUTIONAL AMENDMENT

To Amend Section One of Article Two, Prescribing the Period of Citizenship as a Prerequisite to the Right to Vote.

The Delegates of the People of the State of New York, in Convention assembled, do propose as follows:

Section 1 of article 10 of the Constitution is hereby amended as follows:

Section 1. Every male citizen of the age of twenty-one years who shall have been a citizen for sixty days and an inhabitant

of this State one year next preceding an election, and the last four months a resident of the county, and for the last thirty days a resident of the election district in which he may offer his vote, shall be entitled to vote at such election in the election district of which he shall at the time be a resident, and not elsewhere, for all officers that now are or hereafter may be elective by the people and upon all questions which may be submitted to the vote of the people; provided that in time of war no elector in the actual military service of the State, or of the United States, in the army or navy thereof, shall be deprived of his vote by reason of his absence from such election district; and the Legislature shall have power to provide the manner in which, and the time and place at which, such absent electors may vote, and for the return and canvass of their votes in the election districts in which they respectively reside.

Being announced for third reading.

Mr. Meyenborg moved that said amendment be recommitted to the committee from whence it emanated with instructions to strike out the word "male," in line 3 on page 1, and to report such amendment so amended forthwith.

Mr. President put the question on the motion of Mr. Meyenborg, and it was determined in the negative.

Mr. Cochran moved to recommit said proposed constitutional amendment to the committee reporting it, with instructions to report the same forthwith, amended by striking out "sixty" in line 4, section 1, and inserting in lieu thereof the word "thirty."

Pending the question, Mr. Kellogg moved that the Convention now adjourn.

Mr. President put the question on the motion of Mr. Kellogg, and it was determined in the affirmative, and at 10.25 the Convention adjourned.

Wednesday, September 12, 1894.

The Convention met pursuant to adjournment.

Prayer by Rev. R. D. Williamson.

On motion of Mr. Cochran, the reading of the Journal of Tuesday, September eleventh, was dispensed with.

The last Record appearing upon the files of members to-day is of date, August twenty-fifth.

By vote of the Convention, the following member was excused from attendance as follows: Mr. M. E. Lewis, indefinitely.

On motion of Mr. Davis, the privileges of the floor were extended to the Hon. Harvey J. Hurd, of Erie.

On motion of Mr. Jenks, the privileges of the floor were extended to the Hon. Michael Ryan, of Brooklyn.

On motion of Mr. Holcomb, the privileges of the floor were extended to the Hon. Augustus T. Dockerty, of Brooklyn.

Mr. Dickey offered a resolution in words following :

Resolved, That the proposed amendment, General Order No. 13, printed No. 451, entitled "Proposed constitutional amendment to provide home rule for cities," be recommitted to the Committee on Cities, with instructions to amend it and forthwith report it complete, it retaining its place on order of third reading as amended, so it will read as follows :

"Section 1. Except to fill vacancies, all elections of city officers, including supervisors and judicial officers of inferior local courts, elected in any city or part of a city, and of county officers elected in the counties of New York and Kings, and in all counties whose boundaries are the same as those of a city, shall be on the Tuesday succeeding the first Monday in November in an odd-numbered year, and the term of every such officer shall expire at the end of some odd-numbered year. The terms of office of all such officers, elected before the first day of January, one thousand eight hundred and ninety-five, whose successors have not then been elected, which, under existing law would expire with an even-numbered year or in and before the end of an odd-numbered year, are extended to and including the last day of December following such expiration; the terms of office of all such officers, which, under existing law would expire in an even-numbered

year and before the end thereof, are abridged so as to expire at the end of the year preceding such expiration.

“This section shall not apply to any city, the population of which, according to the latest State enumeration, from time to time made, is less than fifty thousand, nor to elections of any judicial officer, except judges and justices of inferior local courts.”

Said committee reported as directed by the Convention.

Mr. J. Johnson offered a resolution in words following :

Resolved, That the report of the Committee on Cities be agreed to, and that the proposed amendment be ordered to a third reading and referred to the Committee on Revision.

Mr. President put the question on said resolution, and it was determined in the affirmative.

By unanimous consent, Mr. Blake offered a resolution in words following :

Resolved, That the Committee on Printing investigate and report to this Convention not later than Thursday noon, of this week, the cause of the delay in furnishing to the Convention the printed record of the debates pursuant to a resolution heretofore adopted by the Convention.

Mr. President put the question on said resolution, and it was determined in the affirmative.

Mr. Foote, from the Committee on Revision and Engrossment, to which was referred the proposed constitutional amendment introduced by Mr. E. R. Brown, introductory No. 376, reported by the Committee on Legislative Organization, and by the Committee of the Whole, entitled “Proposed constitutional amendment to amend article 3, relating to the apportionment of Senate and Assembly districts,” reports the same as examined and corrected and as correctly engrossed.

Mr. President stated the pending question at the time of the adjournment last evening to be upon the motion of Mr. Cochran to recommit proposed constitutional amendment, printed No. 400, entitled “Proposed constitutional amendment to amend section 1 of article 2, prescribing the period of citizenship as a prerequisite to the right to vote,” to the committee reporting it, with instructions to report the same forthwith amended, by striking out “sixty” in line 4, section 1, and inserting in lieu thereof the word “thirty.”

Mr. Cochran withdrew his motion.

Said proposed constitutional amendment, printed No. 400, in words following :

PROPOSED CONSTITUTIONAL AMENDMENT

To Amend Section One of Article Two, Prescribing the Period of Citizenship as a Prerequisite to the Right to Vote.

The Delegates of the People of the State of New York. in Convention assembled, do propose as follows :

Section 1 of article 2 of the Constitution is hereby amended as follows :

Section 1. Every male citizen of the age of twenty-one years who shall have been a citizen for sixty days and an inhabitant of this State one year next preceding an election, and the last four months a resident of the county, and for the last thirty days a resident of the election district in which he may offer his vote, shall be entitled to vote at such election in the election district of which he shall at the time be a resident, and not elsewhere, for all officers that now are or hereafter may be elective by the people and upon all questions which may be submitted to the vote of the people; provided that in time of war no elector in the actual military service of the State, or of the United States, in the army or navy thereof, shall be deprived of his vote by reason of his absence from such election district; and the Legislature shall have power to provide the manner in which, and the time and place at which, such absent electors may vote, and for the return and canvass of their votes in the election districts in which they respectively reside.

Being then announced for third reading, Mr. Countryman moved that said amendment be recommitted to the Committee on Suffrage, with instructions to report forthwith amended, by striking out the words "sixty days" and inserting in lieu thereof the words "six months."

Mr. President put the question on the adoption of said motion, and it was determined in the affirmative.

Mr. C. B. McLaughlin moved to reconsider said vote.

Mr. Veeder moved to lay said motion on the table.

The question being upon the motion of Mr. Veeder and tellers being demanded, Messrs. McDonough and Cochran were appointed,

and announced the following vote on Mr. Veeder's motion : Ayes, 68; noes, 44. And it was declared carried.

Mr. Root then moved that said amendment be recommitted to the Committee on Suffrage, with instructions to report the same forthwith amended by striking out "six months" and inserting in lieu thereof "ninety days."

The question being on the motion of Mr. Root and tellers being demanded, Messrs. McDonough and Cochran were appointed, and announced the vote as : Ayes, 86; noes, 47, on Mr. Root's motion, and it was declared carried.

Mr. Bowers then moved that said amendment be recommitted to the Committee on Suffrage, with instructions to report the same forthwith amended, by striking out "ninety days" and inserting in lieu thereof "ten days."

Mr. President put the question on said motion, and it was determined in the negative.

Second Vice-President Mr. W. H. Steele in the chair.

Mr. Roche moved to recommit said amendment to the Committee on Suffrage, with instructions to report the same forthwith amended, by striking out "ninety" and inserting in lieu thereof "thirty."

Mr. President put the question on said motion, and it was determined in the negative.

Ayes — Messrs. Banks, Blake, Bowers, Burr, Campbell, Chipp, Jr.; Cochran, Crimmins, Danforth, Deady, Deyo, Durnin, Emmet, Farrell, Fitzgerald, Forbes, Gibney, Giegerich, Gilleran, Green, A. H.; Green, J. I.; Griswold, Herzberg, A.; Holcomb, Hottenroth, Jenks, Kirwin, Kimmey, Marks, Maybee, McClure, McCurdy, McDonough, McKinstry, McLaughlin, J. W.; Meyenborg, Nicoll, De L.; Ohmeis, Osborn, Parmenter, Peabody, Peck, Platzek, Roche, Rogers, Rowley, Sandford, Schumaker, Smith, Tekulsky, Titus, Towns, Truax, C. H.; Tucker, Veeder, Williams — 56.

Noes — Messrs. Abbott, Acker, Ackerly, Allaben, Arnold, Baker, Barhite, Barnum, Barrow, Becker, Bigelow, Brown, E. A.; Brown, E. R.; Cady, Carter, Cassidy, Church, Clark, G. W.; Clark, H. A.; Coleman, Cornwell, Countryman, Crosby, Davies, J. C.; Davis, G. A.; Dean, Deterling, Dickey, Doty, Durfee, Faber, Floyd, Foote, Francis, Frank, Andrew; Frank, Augustus; Fraser, Fuller, C. A.; Fuller, O. A.; Galinger, Gilbert, Goodelle, Hamlin, Hawley, Hecker, Hedges, Hill, Hirschberg, M. H.; Holls, Hotch-

kiss, Johnson, I. Sam; Johnson, J.; Johnston, R. M.; Kellogg, Kinkel, Kurth, Lauterbach, Lester, Lewis, C. H.; Lewis, M. E.; Lincoln, Lyon, Manley, Mantanye, Marshall, McArthur, McIntyre, McLaughlin, C. B.; McMillan, Mereness, Moore, Morton, Nichols, W. H.; Nostrand, O'Brien, Parker, Parkhurst, Pashley, Phipps, Pool, Porter, Powell, Pratt, Putnam, Redman, Root, Spencer, Springweiler, Steele, A. B.; Steele, W. H.; Storm, Sullivan, T. A.; Tibbetts, Turner, Vedder, Vogt, Wellington, Whitmyer, Wiggins, Woodward, President — 101.

Said proposed constitutional amendment, printed No. 400, as amended, in words following :

PROPOSED CONSTITUTIONAL AMENDMENT

To Amend Section One of Article Two, Prescribing the Period of Citizenship as a Prerequisite to the Right to Vote.

The Delegates of the People of the State of New York, in Convention assembled, do propose as follows :

Section 1 of article 2 of the constitution is hereby amended as follows :

Section 1. Every male citizen of the age of twenty-one years who shall have been a citizen for ninety days and an inhabitant of this State one year next preceding an election, and the last four months a resident of the county, and for the last thirty days a resident of the election district in which he may offer his vote, shall be entitled to vote at such election in the election district of which he shall at the time be a resident, and not elsewhere, for all officers that now are or hereafter may be elective by the people and upon all questions which may be submitted to the vote of the people ; provided that in time of war no elector in the actual military service of the State, or of the United States, in the army or navy thereof, shall be deprived of his vote by reason of his absence from such election district ; and the Legislature shall have power to provide the manner in which, and the time and place at which, such absent electors may vote, and for the return and canvass of their votes in the election districts in which they respectively reside.

Was read the third time and passed, a majority of all the Delegates elected to the Convention voting in favor thereof.

Ayes — Messrs. Abbott, Acker, Ackerly, Allaben, Arnold, Baker, Barhite, Barnum, Barrow, Becker, Bigelow, Brown, E. A.; Brown, E. R.; Cady, Carter, Cassidy, Church, Clark, G. W.; Clark, H. A.; Cornwell, Countryman, Crosby, Davies, J. C.; Davis, G. A.; Dean, Deterling, Dickey, Doty, Durfee, Faber, Floyd, Foote, Francis, Frank, Andrew; Frank, Augustus; Fraser, Fuller, C. A.; Fuller, O. A.; Galinger, Gilbert, Goodelle, Hamlin, Hawley, Hecker, Hedges, Hill, Hirschberg, M. H.; Holls, Hotchkiss, Johnson, I. Sam; Johnson, J.; Johnston, R. M.; Kellogg, Kinkel, Kurth, Lauterbach, Lester, Lewis, C. H.; Lewis, M. E.; Lincoln, Lyon, Manley, Mantanye, Marshall, Maybee, McArthur, McDonough, McIntyre, McKinsty, McLaughlin, C. B.; McMillan, Mereness, Moore, Morton, Nichols, W. H.; Nostrand, O'Brien, Parker, Pashley, Phipps, Pool, Porter, Powell, Pratt, Putnam, Redman, Root, Spencer, Springweiler, Steele, A. B.; Steele, W. H.; Storm, Sullivan, T. A.; Tibbetts, Turner, Vedder, Vogt, Wellington, Whitmyer, Wiggins, Woodward, President — 102.

Noes — Messrs. Banks, Blake, Bowers, Burr, Bush, Chipp, Jr.; Cochran, Crimmins, Danforth, Davenport, Deady, Deyo, Durnin, Emmet, Farrell, Fitzgerald, Forbes, Gibney, Giegerich, Gilleran, Green, A. H.; Green, J. I.; Griswold, Herzberg, A.; Holcomb, Hottenroth, Jenks, Kerwin, Kimmey, Marks, McClure, McLaughlin, J. W.; Meyenborg, Nicoll, De L.; Ohmeis, Osborn, Parmenter, Peabody, Peck, Platzek, Roche, Rogers, Rowley, Sandford, Smith, Sullivan, W.; Titus, Towns, Truax, C. H.; Tucker, Veeder, Williams — 52.

The proposed constitutional amendment, printed No. 444, in words following :

PROPOSED CONSTITUTIONAL AMENDMENT

To Amend Section Six of Article Ten, in Relation to the Time
When the Legislature Shall Assemble.

The Delegates of the People of the State of New York, in Convention assembled, do propose as follows:

Section 6 of article 10 of the Constitution is hereby amended so as to read as follows:

Sec. 6. The political year and legislative term shall begin on the first day of January; and the Legislature shall, every year, assemble on the first Wednesday in January.

Was read the third time and passed, a majority of all the Delegates elected to the Convention voting in favor thereof.

Ayes — Messrs. Abbott, Acker, Ackerly, Allaben, Arnold, Baker, Banks, Barhite, Barnum, Barrow, Bigelow, Brown, E. A.; Cady, Carter, Cassidy, Chipp, Jr.; Church, Clark, G. W.; Clark, H. A.; Cochran, Coleman, Cornwell, Countryman, Crimmins, Crosby, Davenport, Davies, J. C.; Davis, G. A.; Deady, Deterling, Dickey, Doty, Emmet, Faber, Fitzgerald, Floyd, Forbes, Francis, Frank, Andrew; Frank, Augustus; Fraser, Fuller, C. A.; Fuller, O. A.; Galinger, Gibney, Giegerich, Gilbert, Gilleran, Goodelle, Green, A. H.; Green, J. I.; Griswold, Hamlin, Hecker, Hedges, Herzberg, A.; Hill, Hirschberg, M. H.; Holls, Hottenroth, Jenks, Johnson, I. Sam; Johnson, J.; Johnston, R. M.; Kellogg, Kerwin, Kimmey, Kinkel, Kurth, Lauterbach, Lester, Lewis, C. H.; Lewis, M. E.; Lincoln, Lyon, Manley, Marks, Maybee, McClure, McCurdy, McDonough, McIntyre, McKinsty, McLaughlin, C. B.; McLaughlin, J. W.; Mereness, Moore, Morton, Nichols, W. H.; Nostrand, Osborn, Parker, Parkhurst, Parmenter, Pashley, Peck, Phipps, Platzek, Pool, Porter, Powell, Pratt, Redman, Roche, Rogers, Root, Sandford, Schumaker, Spencer, Springweiler, Steele, A. B.; Steele, W. H.; Storm, Sullivan, T. A.; Tekulsky, Tibbetts, Titus, Truax, C. H.; Turner, Vedder, Vogt, Wellington, Whitmyer, President — 124.

Noes — Messrs. Bowers, Dean, Durnin, Holcomb, Marshall, Meyenborg, Ohmeis, Towns — 8.

The proposed constitutional amendment, printed No. 384, in words following :

PROPOSED CONSTITUTIONAL AMENDMENT

To Amend Article One of the Constitution, Against Public Officers Riding on Passes.

The Delegates of the People of the State of New York, in Convention assembled, do propose as follows :

Add at the end of article 1 a new section to read as follows:

Sec. 20. No public officer, or person elected or appointed to a public office, under the laws of this State, shall directly or indirectly ask, demand, accept, receive, or consent to receive for his own use and benefit, or for the use and benefit of another, any free pass, free transportation, franking privilege or discrimi-

nation in passenger, telegraph or telephone rates from any person or corporation, nor make use of the same himself or in conjunction with another. A person who violates any provision of this section, shall be deemed guilty of a misdemeanor, and shall forfeit his office at the suit of the Attorney-General.

Being announced for third reading, Mr. E. R. Brown moved to recommit said amendment to the Committee on Railroads, with instructions to report the same forthwith amended as follows: In line 5 change "and" in each case to "or," and in line 8 change "nor" to "or."

Mr. President put the question on said motion, and it was determined in the affirmative.

Mr. President moved to recommit said amendment to the Committee on Railroads, with instructions to report the same forthwith amended as follows:

Add at the end thereof the following:

"No person or officer or agent of a corporation giving any such free pass, free transportation, franking privilege or discrimination hereby prohibited, shall be privileged from testifying in relation thereto and he shall not be liable to civil or criminal prosecution therefor if he shall testify to the giving of the same."

Mr. Cassidy moved to further instruct said Railroad Committee to amend said constitutional amendment as follows:

"Insert after the word misdemeanor in line 10, the following words: 'And punished by imprisonment for life.'"

Mr. Kellogg also moved to further instruct said Railroad Committee to amend said resolution, by adding at the end of Mr. Cassidy's amendment, "and compelled to walk during the remainder of his natural life."

Mr. President put the question on the motion of Mr. Kellogg, and it was determined in the negative.

The question being on Mr. Cassidy's motion, tellers being demanded, Messrs. McDonough and Cochran were appointed, and announced the vote as: Ayes, 45; noes, 56, and said motion of Mr. Cassidy was declared lost.

Mr. Bigelow moved to strike out all of said proposed constitutional amendment, and insert the amendment offered by Mr. President, as a substitute.

Mr. Storm moved that the time limited for debate on this subject be extended to one o'clock.

Mr. President put the question on the motion of Mr. Storm, and it was determined in the negative.

Further debate being had, Mr. J. I. Green moved that the time limited for debate on this subject be extended to one o'clock.

Mr. President put the question on the motion of Mr. J. I. Green, and it was determined in the affirmative.

Mr. De L. Nicoll moved to amend the amendment offered by Mr. President, by inserting at the commencement thereof the following :

“Any corporation, or officer or agent thereof, who shall offer or promise to a public officer or person elected or appointed to a public office. any such free pass, free transportation, franking privilege or discrimination, shall also be deemed guilty of a misdemeanor and liable to punishment, except as herein provided.”

Mr. President accepted the amendment.

The hour of one o'clock having arrived, the Convention took a recess until three o'clock.

AFTERNOON SESSION.

Three o'clock P. M.

The Convention again met.

Second Vice-President Mr. W. H. Steele in the chair.

Mr. Foote, from the Committee on Revision and Engrossment, to which was referred the proposed constitutional amendment introduced by Special Committee on State Forest Preservation, introductory No. 393, reported by said committee and by the Committee of the Whole, entitled “Proposed constitutional amendment to amend the Constitution, relative to the forest preserve,” reports the same as examined and corrected and as correctly engrossed.

Mr. Foote, from the Committee on Revision and Engrossment, to which was referred the proposed constitutional amendment introduced by Mr. W. H. Nichols, introductory No. 253, reported by the Committee on Suffrage, and by the Committee of the Whole, entitled “Proposed constitutional amendment to amend section 4 of article 2 of the Constitution, relating to registration

of voters," reports the same as examined and corrected and as correctly engrossed.

Mr. President stated the pending question at the hour of adjournment this morning to be upon the motion of Mr. President to recommit proposed constitutional amendment, printed No. 384, with instructions.

Mr. President then put the question on the amendment offered by Mr. Nicoll.

Mr. Hottenroth offered an amendment to instruct the Committee on Railroads to amend as follows:

"The Legislature shall provide by law for the free transportation of public officers."

Mr. President then put the question on the amendment offered by Mr. Hottenroth, and it was determined in the negative.

Said proposed constitutional amendment, printed No. 384, as amended in words following:

PROPOSED CONSTITUTIONAL AMENDMENT

To Amend Article One of the Constitution, Against Public Officers Riding on Passes.

The Delegates of the People of the State of New York, in Convention assembled, do propose as follows:

Add at the end of article 1 a new section to read as follows:

Sec. 20. No public officer, or person elected or appointed to a public office, under the laws of this State, shall directly or indirectly ask, demand, accept, receive, or consent to receive for his own use or benefit, or for the use or benefit of another, any free pass, free transportation, franking privilege or discrimination in passenger, telegraph or telephone rates from any person or corporation, or make use of the same himself or in conjunction with another. A person who violates any provision of this section, shall be deemed guilty of a misdemeanor, and shall forfeit his office at the suit of the Attorney-General.

Any corporation, or officer, or agent thereof, who shall offer or promise to a public officer or person elected or appointed to a public office, any such free pass, free transportation, franking privilege or discrimination, shall also be deemed guilty of a misdemeanor and liable to punishment, except as herein provided.

No person, or officer, or agent of a corporation giving any such free pass, free transportation, franking privilege, or discrimination hereby prohibited, shall be privileged from testifying in relation thereto, and he shall not be liable to civil or criminal prosecution therefor, if he shall testify to the giving of the same.

Was read the third time and passed, a majority of all the Delegates elected to the Convention voting in favor thereof.

Ayes — Messrs. Abbott, Acker, Ackerly, Arnold, Baker, Banks, Barnum, Barrow, Becker, Brown, E. R.; Burr, Cady, Carter, Cassidy, Chipp, Jr.; Clark, H. A.; Cochran, Coleman, Cornwell, Countryman, Davenport, Deady, Dean, Dickey, Doty, Durfee, Emmet, Floyd, Foote, Francis, Fraser, Fuller, C. A.; Gibney, Giegerich, Gilbert, Gilleran, Goeller, Goodelle, Green, A. H.; Griswold, Hamlin, Hill, Hirschberg, M. H.; Holls, Hotchkiss, Hottenroth, Johnson, I. Sam; Johnson, J.; Kimmey, Lester, Lewis, C. H.; Lyon, Manley, Marks, Marshall, Maybee, McArthur, McClure, McCurdy, McDonough, McIntyre, McLaughlin, C. B.; Mereness, Moore Morton, Nichols, W. H.; Nicoll, De L.; Nostrand, O'Brien, Ohmeis, Osborn, Parker, Parkhurst, Parmenter, Peck, Platzek, Roche, Rogers, Root, Rowley, Schumaker, Spencer, Springweiler, Steele, A. B.; Steele, W. H.; Storm, Sullivan, T. A.; Titus, Towns, Truax, C. H.; Tucker, Vogt, Wellington, Whitmyer, Williams, Woodward, President — 96.

Noes — Messrs. Bigelow, Blake, Bowers, Brown, E. A.; Cassidy, Church, Clark, G. W.; Crimmins, Crosby, Danforth, Davies, J. C.; Davis, G. A.; Deterling, Durnin, Faber, Farrell, Forbes, Frank, Andrew; Fuller, O. A.; Galinger, Green, J. I.; Hawley, Hecker, Hedges, Herzberg, A.; Jenks, Kellogg, Kinkel, Mantanye, McKinstry, McLaughlin, J. W.; McMillan, Pashley, Phipps, Pool, Porter, Powell, Putnam, Redman, Sandford, Tibbetts, Turner, Vedder, Veeder — 44.

Mr. Foote, from the Committee on Revision and Engrossment, to which was referred the proposed constitutional amendment introduced by Mr. Lauterbach, introductory No. 35, reported by the Committee on the Governor and Other State Officers, and by the Committee of the Whole, entitled "Proposed constitutional amendment to amend section 1 of article 4, and sections 1 and 2 of article 5 of the Constitution, in regard to the terms of office, powers and duties of the Governor," etc., reports the same as examined and corrected and as correctly engrossed.

The proposed constitutional amendment, printed No. 392, in words following:

PROPOSED CONSTITUTIONAL AMENDMENT

To Amend Article Three of the Constitution, by Adding a Section to Provide for the Occupation and Employment of Prisoners in the State Prisons, Penitentiaries, Jails and Reformatories in the State.

The Delegates of the People of the State of New York, in Convention assembled, do propose as follows:

Article 3 of the Constitution is hereby amended by adding another section, as follows:

Sec. 26. The Legislature shall, by law, provide for the occupation and employment of prisoners sentenced to the several State prisons, penitentiaries, jails and reformatories in the State; and on and after January first, in the year one thousand eight hundred and ninety-seven, no person in such prisons, penitentiaries, jails or reformatories, shall be required or allowed to work, while under sentence thereto, at any trade, industry or occupation, wherein or whereby his work, or the product or profit of his work, shall be farmed out, contracted, given or sold to any person, firm, association or corporation.

This section shall not be construed to prevent the Legislature from providing that convicts may work for, and that the products of their labor may be disposed of to the State or any political division thereof, or for or to any public institution owned or managed and controlled by the State, or any political division thereof.

Was read the third time and passed, a majority of all the Delegates elected to the Convention voting in favor thereof.

Ayes — Messrs. Acker, Ackerly, Arnold, Barhite, Barnum, Becker, Blake, Burr, Campbell, Carter, Chipp, Jr.; Clark, G. W.; Coleman, Crosby, Davies, J. C.; Davis, G. A.; Deterling, Deyo, Dickey, Durnin, Faber, Floyd, Forbes, Francis, Frank, Andrew; Frank, Augustus; Fraser, Fuller, C. A.; Fuller, O. A.; Galinger, Gibney, Giegerich, Gilleran, Goeller, Green, A. H.; Green, J. I.; Hecker, Hedges, Herzberg, A.; Hill, Hirschberg, M. H.; Holls, Jenks, Johnson, I. Sam; Johnson, J.; Kellogg, Kerwin, Kimmey, Kinkel, Kurth, Lauterbach, Lincoln, Mantanye, Marks, McArthur,

McDonough, McKinstry, McMillan, Meyenborg, Moore, Morton, Nostrand, Ohmeis, Parker, Parmenter, Pashley, Phipps, Porter, Powell, Putnam, Redman, Roche, Rogers, Root, Smith, Springweiler, Storm, Sullivan, T. A.; Tekulsky, Tibbetts, Titus, Towns, Truax, C. H.; Tucker, Turner, Vedder, Vogt, Whitmyer, Wiggins, Williams, Woodward — 91.

Noes — Messrs. Abbott, Baker, Barrow, Bigelow, Bowers, Brown, E. A.; Brown, E. R.; Cady, Cassidy, Church, Clark, H. A.; Cornwell, Countryman, Crimmins, Danforth, Davenport, Deady, Dean, Doty, Emmet, Foote, Gilbert, Goodelle, Griswold, Hamlin, Hawley, Lester, Lewis, C. H.; Lyon, Manley, Marshall, Maybee, McClure, McCurdy, McIntyre, McLaughlin, C. B.; McLaughlin, J. W.; Mereness, Nichols, W. H.; Nicoll, De L.; Osborn, Parkhurst, Pool, Pratt, Rowley, Sandford, Spencer, Steele, W. H.; Veeder, Wellington, President — 51.

When the name of Mr. Ohmeis was called, he asked to be and was not excused from voting.

The hour having arrived, the Convention took a recess until eight o'clock.

EVENING SESSION.

Eight o'clock P. M.

The Convention again met.

Mr. J. Johnson, from the Committee on Cities, reported a proposed constitutional amendment, printed No. 461, entitled "Proposed constitutional amendment to amend article 8 of the Constitution by the addition of new section," reported in favor of the passage of the same, which report was agreed to, and said amendment committed to the Committee of the Whole.

Mr. Root moved that said proposed amendment be made a special order immediately after the consideration of General Order No. 67, printed No. 460, "To amend article 5 of the Constitution."

Mr. President put the question on the motion of Mr. Root, and it was determined in the affirmative, two-thirds of all the Delegates elected voting in favor thereof.

Mr. J. Johnson moved to reconsider the vote by which General Order No. 9, printed No. 339, entitled "Proposed constitutional

amendment to amend article 10 of the Constitution, to do away with the office of coroner as a constitutional office," was passed, and that that motion lay on the table.

Mr. President put the question on the motion to lay on the table, and it was determined in the affirmative.

The proposed constitutional amendment, printed No. 317, in words following:

PROPOSED CONSTITUTIONAL AMENDMENT

To Amend Article Two of the Constitution, Relative to Suffrage.

The Delegates of the People of the State of New York, in Convention assembled, do propose as follows :

Article 2 of the Constitution is hereby amended by adding thereto a new section to read as follows:

Sec. 6. All laws creating, regulating or affecting boards or officers charged with the duty of registering voters, or of distributing ballots to voters at the polls, or of receiving, recording or counting votes at elections, shall secure equal representation of the two political parties which, at the general election preceding that for which such boards or officers are to serve, cast the highest and the next highest number of votes. All such boards and officers shall be appointed or elected in such manner, and upon the nomination of such representative of said parties respectively, as the Legislature may direct. Existing laws on this subject shall continue until the Legislature shall otherwise provide:

This section shall not apply to town meetings, or to village elections.

Being announced for third reading, Mr. Jenks moved that said amendment be recommitted to the Committee on Suffrage, with instructions to report forthwith, amended as follows :

Page 1, line 5, insert after the word "ballots" the words "at the polls," and after the word "voters," in line 5, page 1, strike out the words "at the polls."

Mr. President put the question on the motion of Mr. Jenks, and it was determined in the affirmative.

Mr. Roche then moved to recommit said proposed constitutional amendment to said Committee on Suffrage, with instructions to report forthwith, amended as follows :

Add at the end thereof the words "in villages of less than five thousand inhabitants according to the last State or Federal enumeration."

Mr. President put the question on the motion of Mr. Roche, and it was determined in the negative.

Mr. Barrow then moved to recommit to said committee, with instructions to report forthwith, amended as follows :

Section 6, line 7, after word "election," insert the word "next."

Mr. President then put the question on the motion of Mr. Barrow, and it was determined in the affirmative.

Said proposed constitutional amendment, printed No. 317, as amended, and in words following:

PROPOSED CONSTITUTIONAL AMENDMENT

To Amend Article Two of the Constitution, Relative to Suffrage.

The Delegates of the People of the State of New York, in Convention assembled, do propose as follows :

Article 2 of the Constitution is hereby amended by adding thereto a new section to read as follows:

Sec. 6. All laws creating, regulating or affecting boards or officers charged with the duty of registering voters, or of distributing ballots at the polls to voters, or of receiving, recording or counting votes at elections, shall secure equal representation of the two political parties which, at the general election next preceding that for which such boards or officers are to serve, cast the highest and the next highest number of votes. All such boards and officers shall be appointed or elected in such manner, and upon the nomination of such representative of said parties respectively, as the Legislature may direct. Existing laws on this subject shall continue until the Legislature shall otherwise provide.

This section shall not apply to town meetings, or to village elections:

Was then read the third time and passed, a majority of all the Delegates elected to the Convention voting in favor thereof.

Ayes — Messrs. Abbott, Acker, Ackerly, Allaben, Arnold, Baker, Banks, Barhite, Barnum, Barrow, Becker, Blake, Brown, E. A.; Burr, Cady, Carter, Cassidy, Church, Clark, G. W.; Clark, H. A.; Cochran, Coleman, Cookinham, Cornwell, Countryman, Crosby, Danforth, Davenport, Davies, J. C.; Davis, G. A.; Deady, Dickey, Doty, Emmet, Faber, Farrell, Floyd, Foote, Francis, Fraser, Fuller, C. A.; Fuller, O. A.; Galinger, Gibney, Giegerich, Gilbert, Gilleran, Goodelle, Green, A. H.; Green, J. L.; Hamlin, Hawley, Hedges, Hill, Hirschberg, M. H.; Holls, Hotchkiss, Jenks, Johnson, I. Sam; Johnson, J.; Kerwin, Kimmey, Kinkel, Kurth, Lauterbach, Lester, Lewis, C. H.; Lyon, Manley, Mantanye, Marks, Marshall, McArthur, McIntyre, McKinstry, McLaughlin, C. B.; McLaughlin, J. W.; McMillan, Mereness, Moore, Morton, Nichols, W. H.; Nicoll, De L.; Nostrand, O'Brien, Ohmeis, Osborn, Parker, Parkhurst, Pashley, Peabody, Phipps, Platzek, Pool, Porter, Powell, Pratt, Putnam, Redman, Roche, Root, Sandford, Schumaker, Springweiler, Steele, A. B.; Steele, W. H.; Storm, Sullivan, T. A.; Sullivan, W.; Tibbetts, Titus, Truax, C. H.; Tucker, Turner, Vedder, Vogt, Wellington, Whitmyer, Wiggins, Williams, Woodward, President — 123.

Noes — Messrs. Chipp, Jr.; Dean, Forbes, Maybee, McClure, McCurdy, Meyenborg, Parmenter, Veeder — 9.

The proposed constitutional amendment, printed No. 439, introductory No. 388, third reading No. 61, entitled "To amend article 9 of the Constitution, relating to free common schools," being announced for third reading.

Mr. Holls moved that the third reading of said proposed constitutional amendment be postponed until after General Order No. 67, printed No. 460, introductory No. 392, entitled "To amend article 5 of the Constitution," has been considered in Committee of the Whole, and has been ordered to a third reading.

Mr. President put the question on the motion of Mr. Holls, and it was determined in the affirmative, two-thirds of all the Delegates elected voting in favor thereof.

Mr. Foote, from the Committee on Revision and Engrossment, to which was referred the proposed constitutional amendment introduced by the Committee on Cities, introductory No. 369, reported by the Committee on Cities, and by the Committee of the Whole, entitled "Proposed constitutional amendment to provide home rule for cities," reports the same as examined and corrected and as correctly engrossed.

The proposed constitutional amendment, printed No. 422, in words following:

PROPOSED CONSTITUTIONAL AMENDMENT

To Amend Article Six of the Constitution, Relating to the Judiciary.

The Delegates of the People of the State of New York, in Convention assembled, do propose as follows:

Article 6 of the Constitution is hereby amended so as to read as follows:

Section 1. The Supreme Court is continued with general jurisdiction in law and equity, subject to such appellate jurisdiction of the Court of Appeals as now is or may be prescribed by law not inconsistent with this article. The existing judicial districts of the State are continued until changed as hereinafter provided. The Supreme Court shall consist of the Supreme Court justices now in office, and of the justices transferred thereto by the fifth section of this article, all of whom shall continue to be justices of the Supreme Court during their respective terms, and of twelve additional justices who shall reside in and be chosen by the electors of the several existing judicial districts, three in the first district, three in the second, and one in each of the other districts; and of their successors. The successors of said justices shall be chosen by the electors of their respective judicial districts. The Legislature may alter the judicial districts once after every enumeration under the Constitution, of the inhabitants of the State, and thereupon reapportion the justices to be thereafter elected in the districts so altered.

Sec. 2. The Legislature shall divide the State into four judicial departments. The first department shall consist of the county of New York; the others shall be bounded by county lines, and be compact and equal in population as nearly as may be. Once every ten years the Legislature may alter the judicial departments, but without increasing the number thereof.

There shall be an Appellate Division of the Supreme Court consisting of seven justices in the first department, and of five justices in each of the other departments. In each department four shall constitute a quorum, and the concurrence of three shall be necessary to a decision. No more than five justices shall sit in any case.

From all the justices elected to the Supreme Court the Governor shall designate those who shall constitute the Appellate Division in each department; and he shall designate the presiding justice thereof, who shall act as such during his term of office, and shall be a resident of the department. The other justices shall be designated for terms of five years, or the unexpired portions of their respective terms of office, if less than five years. From time to time as the terms of such designations expire, or vacancies occur, he shall make new designations. He may also make temporary designations in case of the absence or inability to act, of any justice in the Appellate Division. A majority of the justices designated to sit in the Appellate Division in each department shall be residents of the department. Whenever the Appellate Division in any department shall be unable to dispose of its business within a reasonable time, a majority of the presiding justices of the several departments at a meeting called by the presiding justice of the department in arrears may transfer any pending appeals from such department to any other department for hearing and determination. No justice of the Appellate Division shall exercise any of the powers of a justice of the Supreme Court other than those of a justice out of court and those pertaining to the Appellate Division or to the hearing and decision of motions submitted by consent of counsels. From and after the last day of December, one thousand eight hundred and ninety-five, the Appellate Division shall have the jurisdiction now exercised by the Supreme Court at its General Terms, and by the General Terms of the Court of Common Pleas for the city and county of New York, the Superior Court of the City of New York, the Superior Court of Buffalo and the City Court of Brooklyn, and such additional jurisdiction as may be conferred by the Legislature. It shall have power to appoint and remove a reporter.

The justices of the Appellate Division in each department shall have power to fix the times and places for holding Special and Trial Terms therein, and to assign the justices in the departments to hold such terms; or to make rules therefor.

Sec. 3. No judge or justice shall sit in the Appellate Division or in the Court of Appeals in review of a decision made by him or by any court of which he was at the time a sitting member. The testimony in equity cases shall be taken in like manner as in cases at law; and except as herein otherwise provided, the Legislature shall have the same power to alter and regulate the juris-

diction and proceedings in law and in equity that it has heretofore exercised.

Sec. 4. The official terms of the justices of the Supreme Court shall be fourteen years from and including the first day of January next after their election. When a vacancy shall occur otherwise than by expiration of term in the office of justice of the Supreme Court, the same shall be filled, for a full, term, at the next general election, happening not less than three months after such vacancy occurs; and, until the vacancy shall be so filled, the Governor, by and with the advice and consent of the Senate, if the Senate shall be in session, or if not in session, the Governor may fill such vacancy by appointment, which shall continue until and including the last day of December next after the election at which the vacancy shall be filled.

Sec. 5. The Superior Court of the City of New York, the Court of Common Pleas for the City and County of New York, the Superior Court of Buffalo, and the City Court of Brooklyn, are abolished from and after the first day of January, one thousand eight hundred and ninety-six, and thereupon the seals, records, papers and documents of or belonging to such courts shall be deposited in the offices of the clerks of the several counties in which said courts now exist, and all actions and proceedings then pending in such courts shall be transferred to the Supreme Court for hearing and determination. The judges of said courts in office on the first day of January, one thousand eight hundred and ninety-six, shall, for the remainder of the terms for which they were elected or appointed, be justices of the Supreme Court; but they shall sit only in the counties in which they were elected or appointed. Their salaries shall be paid by the said counties respectively, and shall be the same as the salaries of the other justices of the Supreme Court residing in the same counties. Their successors shall be elected as justices of the Supreme Court by the electors of the judicial districts in which they respectively reside.

The jurisdiction now exercised by the several courts hereby abolished, shall be vested in the Supreme Court. Appeals from inferior and local courts now heard in the Court of Common Pleas for the City and County of New York and the Superior Court of Buffalo, shall be heard in the Supreme Court in such manner and by such justice or justices as the Appellate Divisions in the respective departments which include New York and Buffalo shall direct, unless otherwise provided by the Legislature.

Sec. 6. Circuit Courts and Courts of Oyer and Terminer are abolished from and after the last day of December, one thousand eight hundred and ninety-five. All their jurisdiction shall thereupon be vested in the Supreme Court, and all actions and proceedings then pending in such courts shall be transferred to the Supreme Court for hearing and determination. Any justice of the Supreme Court, except as otherwise provided in this article, may hold court in any county.

Sec. 7. The Court of Appeals is continued. It shall consist of the chief judge and associate judges now in office who shall hold their offices until the expiration of their respective terms, and their successors, who shall be chosen by the electors of the State. The official terms of the chief judge and associate judges shall be fourteen years from and including the first day of January next, after their election. Five members of the court shall form a quorum, and the concurrence of four shall be necessary to a decision. The court shall have the power to appoint and to remove its reporter, clerk and attendants.

Sec. 8. When a vacancy shall occur, otherwise than by expiration of term, in the office of chief or associate judge of the Court of Appeals, the same shall be filled, for a full term, at the next general election happening not less than three months after such vacancy occurs; and until the vacancy shall be so filled, the Governor, by and with the advice and consent of the Senate, if the Senate shall be in session, or if not in session the Governor may fill such vacancy by appointment. If any such appointment of chief judge shall be made from among the associate judges, a temporary appointment of associate judge shall be made in like manner; but in such case, the person appointed chief judge shall not be deemed to vacate his office of associate judge any longer than until the expiration of his appointment as chief judge. The powers and jurisdiction of the court shall not be suspended for want of appointment or election, when the number of judges is sufficient to constitute a quorum. All appointments under this section shall continue until and including the last day of December next after the election at which the vacancy shall be filled.

Sec. 9. After the last day of December, one thousand eight hundred and ninety-five, the jurisdiction of the Court of Appeals (except where the judgment is of death) shall be limited to the review of questions of law. No unanimous decision of the

Appellate Division of the Supreme Court that there is evidence supporting or tending to sustain a finding of fact or a verdict not directed by the court, shall be reviewed by the Court of Appeals, Except where the judgment is of death, appeals may be taken, as of right, to said court only from judgments or orders entered upon decisions of the Appellate Division of the Supreme Court, finally determining actions or special proceedings, and from orders granting new trials on exceptions, where the appellants stipulate that upon affirmance judgment absolute shall be rendered against them.

The Appellate Division in any department may, however, allow an appeal upon any question of law which, in its opinion, ought to be reviewed by the Court of Appeals.

The Legislature may further restrict the jurisdiction of the Court of Appeals and the right of appeal thereto, but the right to appeal shall not depend upon the amount involved.

The provisions of this section shall not apply to orders made or judgments rendered by any General Term before the last day of December, one thousand eight hundred and ninety-five, but appeals therefrom may be taken under existing provisions of law.

Sec. 10. The judges of the Court of Appeals and the justices of the Supreme Court shall not hold any other office or public trust. All votes for any of them, for any other than a judicial office, given by the Legislature or the people, shall be void.

Sec. 11. Judges of the Court of Appeals and justices of the Supreme Court, may be removed by concurrent resolution of both houses of the Legislature if two-thirds of all the members elected to each house concur therein. All other judicial officers, except justices of the peace and judges or justices of inferior courts not of record may be removed by the Senate, on the recommendation of the Governor, if two-thirds of all the members elected to the Senate concur therein. But no officer shall be removed by virtue of this section except for cause, which shall be entered on the Journals, nor unless he shall have been served with a statement of the cause alleged, and shall have had an opportunity to be heard. On the question of removal, the yeas and nays shall be entered on the Journal.

Sec. 12. The judges and justices hereinbefore mentioned shall receive for their services a compensation established by law which shall not be increased or diminished during their official terms, except as provided in section five of this article.

No person shall hold the office of judge or justice of any court longer than until and including the last day of December next after he shall be seventy years of age.

No judge or justice elected after the first day of January, one thousand eight hundred and ninety-four, shall be entitled to receive any compensation after the last day of December next after he shall be seventy years of age, but the compensation of every judge of the Court of Appeals or justice of the Supreme Court elected prior to the first day of January, one thousand eight hundred and ninety-four, whose term of office has been, or whose present term of office shall be, so abridged, and who shall have served as such judge or justice ten years or more, shall be continued during the remainder of the term for which he was elected, but any such judge or justice may, with his consent, be assigned by the Governor, from time to time, to any duty in the Supreme Court while his compensation is so continued.

Sec. 13. The Assembly shall have the power of impeachment, by a vote of a majority of all the members elected. The court for the trial of impeachments shall be composed of the President of the Senate, the Senators, or a major part of them, and the judges of the Court of Appeals, or a major part of them. On the trial of an impeachment against the Governor or Lieutenant-Governor, the Lieutenant-Governor shall not act as a member of the court. No judicial officer shall exercise his office, after articles of impeachment against him shall have been preferred to the Senate, until he shall have been acquitted. Before the trial of an impeachment the members of the court shall take an oath or affirmation truly and impartially to try the impeachment according to the evidence, and no person shall be convicted without the concurrence of two-thirds of the members present. Judgment in cases of impeachment shall not extend further than to removal from office, or removal from office and disqualification to hold and enjoy any office of honor trust or profit under this State; but the party impeached shall be liable to indictment and punishment according to law.

Sec. 14. The existing County Courts are continued, and the judges thereof now in office shall hold their offices until the expiration of their respective terms. In the county of Kings there shall be two county judges, and the additional county judge shall be chosen at the next general election held after the adoption of this article. The successors of the several county

judges shall be chosen by the electors of the counties for the term of six years. County Courts shall have the powers and jurisdiction they now possess and also original jurisdiction in actions for the recovery of money only, where the defendants reside in the county, and in which the complaint demands judgment for a sum not exceeding two thousand dollars. The Legislature may hereafter enlarge or restrict the jurisdiction of the County Courts, provided, however, that their jurisdiction shall not be so extended as to authorize an action therein for the recovery of money only in which the sum demanded exceeds two thousand dollars, or in which any person not a resident of the county is a defendant.

Courts of Sessions, except in the county of New York, are abolished from and after the last day of December, one thousand eight hundred and ninety-five. All the jurisdiction of the Court of Sessions in each county, except the county of New York, shall thereupon be vested in the County Court thereof, and all actions and proceedings then pending in such Courts of Sessions shall be transferred to said County Courts for hearing and determination. Every county judge shall perform such duties as may be required by law. His salary shall be established by law, payable out of the county treasury. A county judge of any county may hold County Courts in any other county when requested by the judge of such other county.

Sec. 15. The existing Surrogate's Courts are continued, and the surrogate's now in office shall hold their offices until the expiration of their terms. Their successors shall be chosen by the electors of their respective counties, and their terms of office shall be six years, except in the county of New York, where they shall continue to be fourteen years. Surrogates and Surrogate's Courts shall have the jurisdiction and powers which the surrogates and existing Surrogate's Courts now possess, until otherwise provided by the Legislature. The county judge shall be surrogate of his county, except where a separate surrogate has been or shall be elected. In counties having a population exceeding forty thousand, wherein there is no separate surrogate, the Legislature may provide for the election of a separate officer to be surrogate, whose term of office shall be six years. When the surrogate shall be elected as a separate officer his salary shall be established by law, payable out of the county treasury. No county judge or surrogate shall hold office longer

than until and including the last day of December next after he shall be seventy years of age. Vacancies occurring in the office of county judge or surrogate shall be filled in the same manner as like vacancies occurring in the Supreme Court. The compensation of any county judge or surrogate shall not be increased or diminished during his term of office. For the relief of Surrogate's Courts the Legislature may confer upon the Supreme Court, in any county having a population exceeding four hundred thousand, the powers and jurisdiction of surrogates, with authority to try issues of fact by jury in probate cases.

Sec. 16. The Legislature may, on application of the board of supervisors, provide for the election of local officers, not to exceed two in any county, to discharge the duties of county judge and of surrogate, in cases of their inability or of a vacancy, and in such other cases as may be provided by law, and to exercise such other powers in special cases as are or may be provided by law.

Sec. 17. The electors of the several towns shall, at their annual town meetings, or at such other time and in such manner as the Legislature may direct elect justices of the peace, whose term of office shall be four years. In case of an election to fill a vacancy occurring before the expiration of a full term, they shall hold for the residue of the unexpired term. Their number and classification may be regulated by law. Justices of the peace and judges or justices of inferior courts not of record, and their clerks, may be removed for cause, after due notice and an opportunity of being heard by such courts as are or may be prescribed by law. Justices of the peace and district county justices may be elected in the different cities of this State in such manner, and with such powers, and for such terms, respectively, as are or shall be prescribed by law; all other judicial officers in cities, whose election or appointment is not otherwise provided for in this article, shall be chosen by the electors of such cities, or appointed by some local authorities thereof.

Sec. 18. Inferior local courts of civil and criminal jurisdiction may be established by the Legislature, but no inferior local court hereafter created shall be a court of record. The Legislature shall not hereafter confer upon any inferior or local court of its creation any equity jurisdiction or any greater jurisdiction in other respects than is conferred upon County Courts by or under this article.

Except as herein otherwise provided all judicial officers shall be elected or appointed at such times and in such manner as the Legislature may direct.

Sec. 19. Clerks of the several counties shall be clerks of the Supreme Court with such powers and duties as shall be prescribed by law. The justices of the Appellate Division in each department shall have power to appoint and to remove a clerk who shall keep his office at a place to be designated by said justices. The clerk of the Court of Appeals shall keep his office at the seat of government. The clerk of the Court of Appeals and the clerks of the Appellate Division shall receive compensation to be established by law and paid out of the public treasury.

Sec. 20. No judicial officer except justices of the peace, shall receive to his own use any fees or perquisites of office; nor shall any judge of the Court of Appeals, or justice of the Supreme Court, or any county judge or surrogate hereafter elected in a county having a population exceeding one hundred and twenty thousand, practice as an attorney or counselor in any court of record in this State, or act as referee.

The Legislature may impose a single prohibition upon county judges and surrogates in other counties.

No one shall be eligible to the office of judge of the Court of Appeals, justice of the Supreme Court, or, except in the county of Hamilton, to the office of county judge or surrogate, who is not an attorney and counselor of this State.

Sec. 21. The Legislature shall provide for the speedy publication of all statutes, and shall regulate the reporting of the decisions of the courts; but all laws and judicial decisions shall be free for publication by any person.

Sec. 22. Justices of peace and other local judicial officers provided for in sections seventeen and eighteen, in office when this article takes effect, shall hold their offices until the expiration of their respective terms.

Sec. 23. Courts of Special Sessions shall have such jurisdiction of offenses of the grade of misdemeanors as may be prescribed by law.

Being announced for third reading, Mr. Hirschberg moved that the same be recommitted to the Committee on Judiciary, with instructions to report the same forthwith, amended as follows :

Line 3, page 2, strike out the words "three in the second" and insert in lieu thereof the words "five in the second."

Mr. President put the question on the motion of Mr. Hirschberg.

Messrs. Parkhurst and Cochran were appointed as tellers, and announced the following as the vote, ayes 36, noes 60; and said motion was declared lost.

Mr. A. H. Green moved to recommit said proposed constitutional amendment to the Committee on Judiciary, with instructions to report the same forthwith, amended as follows:

Page 9, lines 4 and 5, strike out "by law" and insert instead as follows, "the judges of the Court of Appeals each a salary of \$7,500 per year, together with \$1,000 for expenses. The justices of the Supreme Court each a salary of \$5,000 per year, together with \$500 for expenses."

Messrs. Parkhurst and Cochran were appointed as tellers, who announced the following vote, ayes 28, noes 50; and the motion was declared lost.

Mr. Dickey moved to recommit said proposed constitutional amendment to the Committee on Judiciary, with instructions to report forthwith, amended as follows:

Page 2, line 18, by striking out word "five" and inserting "three."

Mr. President then put the question on the motion of Mr. Dickey, and it was determined in the negative.

Mr. McKinstry moved that the proposed constitutional amendment be recommitted to the Committee on Judiciary, with instructions to report the same forthwith, with the first sentence of section 4 amended to read as follows:

"Section 4. The official terms of the justices of the Supreme Court elected after January 1, 1895, shall be ten years from and including the first day of January next after their election; such justices elected prior to January 1, 1895, shall serve for the remainder of the terms for which they were elected."

Mr. President put the question on the motion of Mr. McKinstry, and it was determined in the negative.

Mr. Griswold moved that said proposed constitutional amendment be recommitted to the Committee on Judiciary, with instructions to report the same forthwith, amended as follows:

Insert in line 8, after the word "further," "enlarge or."

Mr. President put the question on the motion of Mr. Griswold, and it was determined in the negative.

Mr. Dickey moved that said proposed constitutional amendment be recommitted to the Committee on Judiciary, with instructions to report the same forthwith, amended as follows:

Amend section 7 by adding to the end thereof the following :
“Whenever, and as often as there shall be an accumulation of causes on the calendar of the Court of Appeals, that the public interests require a more speedy disposition thereof, the said court may certify such fact to the Governor, who shall thereupon designate seven judges of the Supreme Court to act as associate judges for the time being of the Court of Appeals, and to form a second division of said court, and who shall act as such until all the causes on the said calendar at the time of the making of such certificate are determined, or the judges of said court, elected as such, shall certify to the Governor that said causes are substantially disposed of, and on receiving such certificate, the Governor may declare such division dissolved, and the designation of justices to serve thereon shall thereupon expire. The Second Division of said court hereby authorized to be constituted, shall be competent to determine any causes on said calendar which may be assigned to such division by the court, composed of judges elected to serve in the Court of Appeals, and that court may at any time before judgment direct any of the causes so assigned to be restored to its calendar for hearing and decision. The rules of practice in both divisions shall be the same. Five members of the court shall be sufficient to form a quorum for said Second Division, and the concurrence of four shall be necessary to a decision. The judges composing said Second Division shall appoint from their number a chief judge of said division, and the Governor may, from time to time, when in his judgment the public interests may require, change the designation of any justice of the Supreme Court to serve in such division, and may fill any vacancy occurring therein, by designating any justice of the Supreme Court to fill such vacancy. Said Second Division may appoint and remove a crier and such attendants as may be necessary. The judges composing said Second Division shall not, during the time of their service therein, exercise any of the functions of justices of the Supreme Court, nor receive any salary or compensation as such justices, but in lieu thereof shall, during such term of service, receive the same compensation as the

associate judges of the Court of Appeals. They shall have power to appoint the times and places of their sessions within this State, and the clerk and reporter of the Court of Appeals shall be the clerk and reporter of said Second Division.

And also amend section 9, so as to strike out the words "make the right to appeal depend upon the amount involved," and insert instead thereof, "increase the amount or value upon which the right to appeal is now limited by law," so section shall read:

Sec. 9. After the last day of December, 1895, the jurisdiction of the Court of Appeals (except where the judgment is of death) shall be limited to the review of questions of law. No unanimous decision of the Appellate Division of the Supreme Court that there is evidence supporting or tending to sustain a finding of fact or a verdict not directed by the court, shall be reviewed by the Court of Appeals. Except where the judgment is of death, appeals shall be taken to said court only from judgments or orders entered upon decisions of the Appellate Division of the Supreme Court, finally determining actions or special proceedings, and from orders granting new trials on exceptions, where the appellants stipulate that upon affirmance, judgment absolute shall be rendered against them.

The Appellate Division in any department may allow an appeal in any case which, in its opinion, involves a question of law which ought to be reviewed by the Court of Appeals.

The Legislature may further restrict the jurisdiction of the Court of Appeals, and the right to appeal thereto, but it shall never increase the amount or value upon which the right to appeal is now limited by law.

Mr. President put the question on the motion of Mr. Dickey, and it was determined in the negative.

Ayes — Messrs. Ackerly, Arnold, Barnum, Blake, Burr, Clark, H. A.; Cochran, Crosby, Davenport, Davis, G. A.; Deady, Deyo, Dickey, Durfee, Emmet, Faber, Farrell, Floyd, Fuller, C. A.; Gibney, Gilleran Goeller, Green, J. I.; Griswold, Hedges, Hirschberg, M. H.; Holcomb, Hotchkiss, Hottenroth, Jenks, Johnson, J.; Kellogg, Kerwin, Kimmey, Mantanye, Marks, Maybee, McArthur, McClure, McKinstry, McLaughlin, J. W.; Mereness, Meyenborg, Osborn, Parmenter, Peabody, Peck, Pratt, Roche, Sandford, Smith, Steele, W. H.; Sullivan, W.; Titus, Towns, Veeder, Wiggins, Williams, President — 59.

Noes — Messrs. Acker, Allaben, Baker, Banks, Barhite, Barrow, Bowers, Brown, E. A.; Bush, Cady, Carter, Cassidy, Church, Clark, G. W.; Coleman, Cookinham, Cornwell, Countryman, Danforth, Davies, J. C.; Dean, Deterling, Doty, Durnin, Foote, Francis, Frank, Andrew; Frank, Augustus; Fraser, Fuller, O. A.; Galinger, Goodelle, Green, A. H.; Hamlin, Hawley, Hecker, Herzberg, A.; Hill, Holls, Johnson, I. Sam; Kinkel, Kurth, Lauterbach, Lester, Lewis, C. H.; Lincoln, Lyon, Manley, Marshall, McDonough, McIntyre, McLaughlin, C. B.; McMillan, Moore, Morton, Nichols, W. H.; Nicoll, De L.; Nostrand, O'Brien, Parker, Parkhurst, Pashley, Phipps, Platzek, Porter, Powell, Putnam, Redman, Root, Schumaker, Springweiler, Steele, A. B.; Sullivan, T. A.; Tekulsky, Tibbetts, Truax, C. H.; Turner, Vedder, Vogt, Wellington, Whitmyer, Woodward — 83.

The hour having arrived, the Convention adjourned.

Thursday, September 13, 1894.

The Convention met pursuant to adjournment.

Prayer by Rev. D. W. T. Van Doren.

On motion of Mr. O'Brien, the reading of the Journal of Wednesday, September twelfth, was dispensed with.

On motion of Mr. Schumaker, the privileges of the floor were extended to the Hon. E. A. Merritt, of St. Lawrence county.

On motion of Mr. Gilbert, the privileges of the floor were extended to State Senator Kilburn.

On motion of Mr. Jenks, the privileges of the floor were extended to James G. Blaine, of Maine.

By vote of the Convention the following member was excused from attendance as follows: Mr. Kellogg, September thirteenth.

The last Record appearing upon the files of members to-day is of date August twenty-seventh.

Mr. Kurth offered a resolution in words following:

Whereas, from the files upon the desks of the Delegates to this Convention at the present time, it appears that the records and proceedings of said Convention are not printed later than Saturday, August the twenty-seventh inst., or seventeen days ago.

Resolved, That the Compiler be and he is hereby directed to inform this Convention forthwith, the cause of such delay or neglect.

The resolution, giving rise to debate, was tabled under the rule.

Mr. Lyon made the following report:

The committees on Privileges and Elections and Contingent Expenses, to which jointly was referred the annexed claim of Harvey W. Putnam and Thomas A. Sullivan, Delegates from the Thirtieth Senatorial district, for counsel fee and disbursement, aggregating \$2,388.79, incurred in contesting the seats held by Messrs. Trapper and Beckwith, would respectfully report that, in the opinion of said committees, each claim is fair and reasonable, and ought to be allowed.

M. H. HIRSCHBERG,

Chairman of Committee on Privileges and Elections.

GEORGE F. LYON,

Chairman of Committee on Contingent Expenses.

Mr. Countryman stated that he had taken no part in said report.

Mr. E. A. Brown, Mr. Deady, Mr. Whitmyer, Mr. Faber, dissenting.

In the matter of the claim of Harvey W. Putnam and Thomas A. Sullivan for expenses incurred in their contest for their seats in the Constitutional Convention from the Thirtieth Senatorial district, against Herman F. Trapper and Charles Beckwith.

The contestants, Putnam and Sullivan, having joined in said contest and having employed the same counsel and having borne jointly the expenses thereof, respectfully present the following claim with annexed detailed statements and verification thereof, of their expenses and disbursements in said contest.

1894.

June 28.	For legal services, counsel fee, as per annexed statement, No. 1.....	\$2,000 00
	For disbursements of counsel as per annexed statement, No. 2.....	305 35
	For personal disbursements and expenses, as per annexed statement, No. 3.....	83 44
	Total.	<u>\$2,388 79</u>

(No. 1.)

HARVEY W. PUTNAM AND THOMAS A. SULLIVAN, TO
1894. SEWARD A. SIMONS, DR.

Jan. 1 to May 1. Retainer and proceedings before canvassing board, and preliminary investigation in respect to contest.....	\$250 00
May 2, 3. Preparation of petition of Convention....	40 00
May 6, 7, 8, 9. Time at Albany.....	80 00
May 1 to 16. Preparation for trial, and trial of case before committee	500 00
May 16 to 22. Preparation for brief.....	100 00
May 23, 24. Albany.	40 00
May 25 to 30. Brief in contest.....	250 00
May 31. Argument before committee.....	100 00
May 31 to June 2. Albany.....	60 00
June 14, 15. Albany.	40 00
June 27, 28. Albany.	40 00
Services in writ of prohibition.....	500 00
	<hr/>
	\$2,000 00
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(No. 2.)

1894. DISBURSEMENTS OF COUNSEL.

May 6, 7, 8, 9. Traveling expenses.	\$32 50
May 16. Hotel.	7 50
May 23, 24. Traveling expenses and hotel.....	24 20
May 31 to June 3. Traveling expenses and hotel...	35 95
June 14 and 15. Traveling expenses and hotel.....	25 00
Telegrams, express and postage...	10 70
June 27 and 28. Traveling expenses and hotel.....	25 30
Stenographer on brief.....	14 00
Stenographer.	34 50
Courier Company brief.	95 70
	<hr/>
	\$305 35
	<hr/>
Total services, etc.....	\$2,000 00
Total expenses.	305 35
	<hr/>
	\$2,305 35
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Received payment,
SEWARD A. SIMONS.

(No. 3.)

PERSONAL DISBURSEMENTS.

1894.

May 5. Stationary and typewriting.....	\$2 84
May 7, 8. Car fare and expenses, Albany, T. A. S...	24 70
May 7, 8. Car fare and expenses, Albany, H. W. P..	24 70
May 14. Express charges.	45
May 15, 16, 17. Paid serving (19) subpoenas, milage, messengers, telephone, etc., during trial.....	29 10
June 20. Telegrams.	1 15
June 20. Express charges.	50
Total.	<u>\$83 44</u>

State of New York, City and County of Albany, ss.:

Harvey H. Putnam and Thomas A. Sullivan, being severally duly sworn, each for himself, deposes and says, that he did join with the other in the matter of the election contest for their seats in the Constitutional Convention of 1894, as members thereof, from the Thirtieth Senatorial district of Erie county, New York; that the several sums charged in the annexed claim for the legal costs and expenses were necessarily incurred by them in said contest and are true and correct; that the services were necessarily rendered and performed, and that the compensation charged therefor is fair and reasonable for such services, and that the disbursements therein charged have been actually and necessarily incurred and paid by them; that the whole of said amount, amounting to \$2,283.79, is just and fair, and no part of the same has been paid or satisfied.

(Signed)

THOMAS A. SULLIVAN.

(Signed)

HARVEY W. PUTNAM.

Sworn to before me this 18th day of July, 1894.

(Signed)

JOHN T. McDONOUGH,

Notary Public in and for Albany county.

In connection therewith Mr. Cookinham offered a resolution in words following :

Resolved, That Harvey W. Putnam and Thomas A. Sullivan be and they are allowed the sum of \$2,383.79, their expenses for

counsel fee and disbursements in their contest in the Thirtieth district, against Herman F. Trapper and Charles Beckwith.

The resolution, giving rise to debate, was tabled under the rule.

Mr. Kinkel presented the bill of John C. Kinkel, Charles L. Pashley, J. Lott Nostrand, William Deterling and Charles J. Kurth, for their expenses and counsel fees in their contest to obtain their seats as Delegates in this Convention:

New York, August 14, 1894.

State of New York, to John C. Kinkel, Charles L. Pashley, J. Lott Nostrand, William Deterling, Charles J. Kurth, Drs.

1893 and 1894. To expenses for counsel fees in action of John C. Kinkel against James W. Riggs, in contest for seat as Delegate to the Constitutional Convention, from the Sixth Senatorial district, Kings county, New York.....	\$1,200 00
To expenses for counsel fees in action of Charles J. Pashley against Eugene Curran, in contest for seat in said last named district.....	1,200 00
To expenses for counsel fees in action of William Deterling against George W. Roderick, in contest for seat in said last mentioned district.....	1,200 00
To expenses for counsel fees in action of J. Lott Nostrand against William M. Mullen, for contest for seat in said last mentioned district.....	1,200 00
To expenses for counsel fees in action of Charles J. Kurth against Thomas W. Fitzgerald, for contest for seat in said last mentioned district.....	1,200 00

DISBURSEMENTS.

Paid for stenographer fees, witness fees, copying papers, etc., traveling expenses, and expert account in the above cases.....	542 25
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\$6,542 25

Brooklyn, N. Y., August 14, 1894.

Hon. John C. Kinkel, Hon. Charles L. Pashley, Hon. J. Lott Nostrand, Hon. William Deterling, Hon. Charles J. Kurth, to Kiendl Bros., Dr.

To professional services rendered in case of John-C. Kinkel against James W. Riggs. Also in case of Charles L. Pashley against Eugene Curran. Also in case of William Deterling against George W. Roderick. Also in case of J. Lott Nostrand against William M. Mullen. Also in case of Charles J. Kurth against Thomas W. Fitzgerald, from November 7, 1893, to August 7, 1894, in attendance before Board of Canvassers during canvass, drawing protests and objections to canvass, filing same with State Board of Canvassers, drawing petition and presenting same to Constitutional Convention. Preparing cases and witnesses and various trips to Richmond county, Gravesend jail and penitentiary, examining fifty-nine witnesses, consulting over seventy-five witnesses in Richmond county and Kings county, cross-examining five witnesses. Preparing subpoenas. Attendance at Albany on presentation of petition and various hearings before Committee on Privileges and Elections. Also attendance before committee at Richmond county in the city of Brooklyn, at Albany, the jail and the penitentiary, and taking testimony of sixty-four witnesses, each of the hearings before the committee occupying almost the entire day. Preparing statement from election returns and poll registry lists, containing about 50,000 pages. Copying papers in contempt proceedings and nineteen indictments against McKane, Sutherland, Newton and others. See exhibits (statements), attendance at Albany before sub-committee at various times on argument. Preparing brief, argument before committee.... \$6,000 00

DISBURSEMENTS.

May 7, 8 and 9. Paid expenses to Albany and return on attendance before Convention and committee.....	20 00
May 9 and 10. Paid witness fees.....	24 00
May 11. Serving witnesses.....	20 00
May 26. Witness fees, Richmond county.....	27 00
May 26. Serving witnesses with subpoenas.....	20 00
May 26. Witness fees in Brooklyn and serving.....	17 50
June 1. Witness fees and serving.....	3 00
June 11. Miss F. Farrell for taking testimony at first hearing in absence of Convention Stenographer....	20 25
June 14 and 15. Expenses to Albany and return.....	15 00
Certified copy indictment.....	2 00
Certified copy election returns.....	3 00
June 26 and 27. Expenses to Albany and return.....	15 00
June 10. Expenses to Albany and return.....	15 00
June 10. Expert bookkeeper preparing statements of votes, etc. (See Exhibits).....	250 00
July. Expenses to Albany and return.....	15 00
July. Expenses to Albany and return.....	15 00
July. Expenses to Albany and return.....	15 00
Douglas Taylor, printing brief.....	44 50
	<hr/>
	\$6,542 25
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State of New York, County of Kings, City of Brooklyn, ss.:

Adolph Kiendl, being duly sworn, says that he is one of the attorneys for the contestants in the above-mentioned matters; that said annexed bill and the items therein contained, are in all respects true and correct, and said disbursements have been actually made and were necessary for the proper conduct of the contestant side of the cases. That said counsel fees are fair and reasonable charges for said services, as deponent verily believes.

ADOLPH KIENDL.

Sworn to before me this 11th day of September, 1894.

JOHN KAPP,
Commissioner of Deeds, City of Brooklyn.

Referred to the Committees on Contingent Expenses and Privileges and Elections.

Mr. President stated the pending question, at the hour of adjournment last evening, to be the third reading of the proposed constitutional amendment, printed No. 422, entitled "To amend article 6 of the Constitution, relating to the judiciary."

Mr. Peck moved that said proposed constitutional amendment be recommitted to the Committee on Judiciary with instructions to report forthwith, amended as follows:

Sec. 2. "The Legislature shall divide the State into four judicial departments. The first department shall consist of the county of New York. The others shall be bounded by county lines, and be compact and equal in population as nearly as may be. There shall be an Appellate Division of the Supreme Court, consisting of three judges in each of the departments. In each department two shall constitute a quorum, and the concurrence of two shall be necessary to a decision. There shall be chosen by the electors of the several judicial departments, justices for the Appellate Division of the Supreme Court in each department, and a presiding judge therefor, who shall be residents of the department respectively. From time to time, as the terms expire or vacancies occur, successors shall be chosen by the electors of the several departments. The Governor may make temporary designations from time to time, in case of the absence or inability to act of any justice of the Appellate Division, from those elected as justices of the Supreme Court not of the Appellate Division in that judicial department. Whenever the Appellate Division in any department shall be unable to dispose of its business within a reasonable time, a majority of the presiding justices of the several departments, at a meeting called by the presiding justice of the department in arrears, may transfer any pending appeals from such department to any other department for hearing and determination. No justice of the Appellate Division shall exercise any of the powers of a justice of the Supreme Court, other than those of a justice out of court, and those pertaining to the Appellate Division, or the hearing and decision of motions submitted by consent of counsel. From and after the last day of December, 1895, the Appellate Division shall have the jurisdiction now exercised by the Supreme Court at its General Term, and by the General Terms of the Court of Common Pleas for the city and

county of New York, the Superior Court of Buffalo, and the City Court of Brooklyn, and such additional jurisdiction as may be conferred by the Legislature. It shall have power to remove and appoint a reporter. The justice of the Appellate Division in each department shall have power to fix the time and places for holding special and trial terms therein, and to assign justices in the departments to hold such terms, or to make rules therefor."

Mr. A. H. Green moved to amend the motion of Mr. Peck by striking out the word "fourteen" wherever it occurs, and insert "eight."

On motion of Mr. Jenks, the time for debate on the several amendments proposed was extended for forty minutes, to be divided equally between the parties for and against each amendment offered.

Mr. President put the question on the motion of Mr. Green, and it was determined in the negative.

Mr. President put the question on the motion of Mr. Peck, and it was determined in the negative.

Mr. Jenks then moved to recommit to the Committee on Judiciary, with instructions to report the same forthwith, amended as follows:

Amend section 1 as follows: Page 2, line 3, strike out the words "three in the second," and insert in place thereof the words "four in the second."

The question being on the motion of Mr. Jenks, Mr. McDonough and Mr. Cochran were appointed as tellers, and announced the following vote: Ayes 48, noes 58, and said motion was declared lost.

Mr. Smith moved to recommit to the Judiciary Committee the article under consideration with instructions to amend section 12 thereof, by inserting the word "two" between the word "seventy," and the word "years" in line 9 and line 12, on page 9, and to report forthwith.

The question being on the motion of Mr. Smith, Mr. McDonough and Mr. Cochran were appointed tellers, and announced the following vote: Ayes 21, noes 30, and said motion was declared lost.

Mr. A. H. Green then moved to recommit to the Committee on Judiciary with instructions to report the same forthwith, amended as follows:

"Wherever the term is fixed at more than eight years it be reduced to eight."

Mr. President put the question on the motion of Mr. Green, and it was determined in the negative.

Mr. E. R. Brown then moved to recommit to the Committee on Judiciary with instructions to report the same forthwith, amended as follows:

In lines 17 and 18, page 13, strike out "but no inferior local court hereafter created shall be a court of record." Also insert in line 20, page 13, before "equity," the word "greater."

Mr. President put the question on the motion of Mr. E. R. Brown, and it was determined in the negative.

By unanimous consent, misprints as follows, were corrected: Section 1, line 9, change "justices" to "judges." Section 2, page 2, line 20, change "counsels" to "counsel," section 17, page 13, line 9, change "county" to "court." Section 18, line 17, change "s" in word "Legislature" to "r." Section 19, line 17, change "single" to "similar."

Said proposed constitutional amendment, printed No. 422, as amended, in words following:

PROPOSED CONSTITUTIONAL AMENDMENT

To Amend Article Six of the Constitution, Relating to the Judiciary.

The Delegates of the People of the State of New York, in Convention assembled, do propose as follows:

Article 6 of the Constitution is hereby amended so as to read as follows:

Section 1. The Supreme Court is continued with general jurisdiction in law and equity, subject to such appellate jurisdiction of the Court of Appeals as now is or may be prescribed by law not inconsistent with this article. The existing judicial districts of the State are continued until changed as hereinafter provided. The Supreme Court shall consist of the Supreme Court justices now in office, and of the judges transferred thereto

by the fifth section of this article, all of whom shall continue to be justices of the Supreme Court during their respective terms, and of twelve additional justices, who shall reside in and be chosen by the electors of the several existing judicial districts, three in the First district, three in the Second, and one in each of the other districts; and of their successors. The successors of said justices shall be chosen by the electors of their respective judicial districts. The Legislature may alter the judicial districts once after each enumeration under the Constitution of the inhabitants of the State and thereupon reapportion the justices to be thereafter elected in the districts so altered.

Sec. 2. The Legislature shall divide the State into four judicial departments. The first department shall consist of the county of New York; the others shall be bounded by county lines, and be compact and equal in population as nearly as may be. Once every ten years the Legislature may alter the judicial departments, but without increasing the number thereof.

There shall be an Appellate Division of the Supreme Court, consisting of seven justices in the First department, and of five justices in each of the other departments. In each department four shall constitute a quorum, and the concurrence of three shall be necessary to a decision. No more than five justices shall sit in any case.

From all the justices elected to the Supreme Court the Governor shall designate those who shall constitute the Appellate Division in each department; and he shall designate the presiding justice thereof, who shall act as such during his term of office, and shall be a resident of the department. The other justices shall be designated for terms of five years, or the unexpired portions of their respective terms of office, if less than five years. From time to time, as the terms of such designations expire, or vacancies occur, he shall make new designations. He may also make temporary designations in case of the absence or inability to act of any justice in the Appellate Division. A majority of the justices designated to sit in the Appellate Division in each department shall be residents of the department. Whenever the Appellate Division in any department shall be unable to dispose of its business within a reasonable time, a majority of the presiding justices of the several departments, at a meeting called by the presiding justice of the department in arrears, may transfer

any pending appeals from such department to any other department for hearing and determination. No justice of the Appellate Division shall exercise any of the powers of a justice of the Supreme Court other than those of a justice out of court and those pertaining to the Appellate Division or to the hearing and decision of motions submitted by consent of counsel. From and after the last day of December, one thousand eight hundred and ninety-five, the Appellate Division shall have the jurisdiction now exercised by the Supreme Court at its General Terms, and by the General Terms of the Court of Common Pleas for the city and county of New York, the Superior Court of the city of New York, the Superior Court of Buffalo and the City Court of Brooklyn, and such additional jurisdiction as may be conferred by the Legislature. It shall have power to appoint and remove a reporter.

The justices of the Appellate Division in each department shall have power to fix the times and places for holding Special and Trial Terms therein, and to assign the justices in the departments to hold such terms; or to make rules therefor.

Sec. 3. No judge or justice shall sit in the Appellate Division or in the Court of Appeals in review of a decision made by him or by any court of which he was at the time a sitting member. The testimony in equity cases shall be taken in like manner as in cases at law; and, except as herein otherwise provided, the Legislature shall have the same power to alter and regulate the jurisdiction and proceedings in law and in equity that it has heretofore exercised.

Sec. 4. The official terms of the justices of the Supreme Court shall be fourteen years from and including the first day of January next after their election. When a vacancy shall occur otherwise than by expiration of term in the office of justice of the Supreme Court the same shall be filled, for a full term, at the next general election, happening not less than three months after such vacancy occurs; and, until the vacancy shall be so filled, the Governor, by and with the advice and consent of the Senate, if the Senate shall be in session, or if not in session, the Governor, may fill such vacancy by appointment, which shall continue until and including the last day of December next after the election at which the vacancy shall be filled.

Sec. 5. The Superior Court of the city of New York, the Court of Common Pleas for the city and county of New York, the

Superior Court of Buffalo and the City Court of Brooklyn are abolished from and after the first day of January, one thousand eight hundred and ninety-six, and thereupon the seals, records, papers and documents of or belonging to such courts shall be deposited in the offices of the clerks of the several counties in which said courts now exist, and all actions and proceedings then pending in such courts shall be transferred to the Supreme Court for hearing and determination. The judges of said courts in office on the first day of January, one thousand eight hundred and ninety-six, shall, for the remainder of the terms for which they were elected or appointed, be justices of the Supreme Court; but they shall sit only in the counties in which they were elected or appointed. Their salaries shall be paid by the said counties respectively, and shall be the same as the salaries of the other justices of the Supreme Court residing in the same counties. Their successors shall be elected as justices of the Supreme Court by the electors of the judicial districts in which they respectively reside.

The jurisdiction now exercised by the several courts hereby abolished shall be vested in the Supreme Court. Appeals from inferior and local courts now heard in the Court of Common Pleas for the city and county of New York and the Superior Court of Buffalo shall be heard in the Supreme Court, in such manner and by such justice or justices as the Appellate Divisions in the respective departments, which include New York and Buffalo, shall direct, unless otherwise provided by the Legislature.

Sec. 6. Circuit Courts and Courts of Oyer and Terminer are abolished from and after the last day of December, one thousand eight hundred and ninety-five. All their jurisdiction shall thereupon be vested in the Supreme Court, and all actions and proceedings then pending in such courts shall be transferred to the Supreme Court for hearing and determination. Any justice of the Supreme Court, except as otherwise provided in this article, may hold court in any county.

Sec. 7. The Court of Appeals is continued. It shall consist of the chief judge and associate judges now in office, who shall hold their offices until the expiration of their respective terms, and their successors, who shall be chosen by the electors of the State. The official terms of the chief judge and associate judges shall be fourteen years from and including the first day of January next after their election. Five members of the court

shall form a quorum, and the concurrence of four shall be necessary to a decision. The court shall have power to appoint and to remove its reporter, clerk and attendants.

Sec. 8. When a vacancy shall occur, otherwise than by expiration of term, in the office of chief or associate judge of the Court of Appeals, the same shall be filled, for a full term, at the next general election happening not less than three months after such vacancy occurs; and until the vacancy shall be so filled, the Governor, by and with the advice and consent of the Senate, if the Senate shall be in session, or if not in session, the Governor, may fill such vacancy by appointment. If any such appointment of chief judge shall be made from among the associate judges, a temporary appointment of associate judge shall be made in like manner; but in such case, the person appointed chief judge shall not be deemed to vacate his office of associate judge any longer than until the expiration of his appointment as chief judge. The powers and jurisdiction of the court shall not be suspended for want of appointment or election, when the number of judges is sufficient to constitute a quorum. All appointments under this section shall continue until and including the last day of December next after the election at which the vacancy shall be filled.

Sec. 9. After the last day of December, one thousand eight hundred and ninety-five, the jurisdiction of the Court of Appeals (except where the judgment is of death) shall be limited to the review of questions of law. No unanimous decision of the Appellate Division of the Supreme Court that there is evidence supporting or tending to sustain a finding of fact or a verdict not directed by the court, shall be reviewed by the Court of Appeals. Except where the judgment is of death, appeals may be taken, as of right, to said court only from judgments or orders entered upon decision of the Appellate Division of the Supreme Court, finally determining actions or special proceedings, and from orders granting new trials on exceptions, where the appellants stipulate that upon affirmance judgment absolute shall be rendered against them.

The Appellate Division in any department may, however, allow an appeal upon any question of law which, in its opinion, ought to be reviewed by the Court of Appeals.

The Legislature may further restrict the jurisdiction of the Court of Appeals and the right of appeal thereto, but the right to appeal shall not depend upon the amount involved.

The provisions of this section shall not apply to orders made or judgments rendered by any General Term before the last day of December, one thousand eight hundred and ninety-five, but appeals therefrom may be taken under existing provisions of law.

Sec. 10. The judges of the Court of Appeals and the justices of the Supreme Court shall not hold any other office or public trust. All votes for any of them for any other than a judicial office, given by the Legislature or the people, shall be void.

Sec. 11. Judges of the Court of Appeals and justices of the Supreme Court may be removed by concurrent resolution of both houses of the Legislature, if two-thirds of all the members elected to each house concur therein. All other judicial officers, except justices of the peace and judges or justices of inferior courts not of record, may be removed by the Senate, on the recommendation of the Governor, if two-thirds of all the members elected to the Senate concur therein. But no officer shall be removed by virtue of this section except for cause, which shall be entered on the journals, nor unless he shall have been served with a statement of the cause alleged, and shall have had an opportunity to be heard. On the question of removal, the yeas and nays shall be entered on the Journal.

Sec. 12. The judges and justices hereinbefore mentioned shall receive for their services a compensation established by law, which shall not be increased or diminished during their official terms, except as provided in section five of this article.

No person shall hold the office of judge or justice of any court longer than until and including the last day of December next after he shall be seventy years of age.

No judge or justice elected after the first day of January, one thousand eight hundred and ninety-four, shall be entitled to receive any compensation after the last day of December next after he shall be seventy years of age, but the compensation of every judge of the Court of Appeals or justice of the Supreme Court elected prior to the first day of January, one thousand eight hundred and ninety-four, whose term of office has been, or whose present term of office shall be, so abridged, and who shall have served as such judge or justice ten years or more, shall be continued during the remainder of the term for which he was elected, but any such judge or justice may, with his consent, be assigned by the Governor, from time to time, to any

duty in the Supreme Court while his compensation is so continued.

Sec. 13. The Assembly shall have the power of impeachment, by a vote of a majority of all the members elected. The court for the trial of impeachments shall be composed of the President of the Senate, the Senators, or a major part of them, and the judges of the Court of Appeals, or the major part of them. On the trial of an impeachment against the Governor or Lieutenant-Governor, the Lieutenant-Governor shall not act as a member of the court. No judicial officer shall exercise his office, after articles of impeachment against him shall have been preferred to the Senate, until he shall have been acquitted. Before the trial of an impeachment the members of the court shall take an oath or affirmation truly and impartially to try the impeachment according to the evidence, and no person shall be convicted without the concurrence of two-thirds of the members present. Judgment in cases of impeachment shall not extend further than to removal from office or removal from office and disqualification to hold and enjoy any office of honor, trust or profit under this State; but the party impeached shall be liable to indictment and punishment according to law.

Sec. 14. The existing County Courts are continued, and the judges thereof now in office shall hold their offices until the expiration of their respective terms. In the county of Kings there shall be two county judges, and the additional county judge shall be chosen at the next general election held after the adoption of this article. The successors of the several county judges shall be chosen by the electors of the counties for the term of six years. County Courts shall have the powers and jurisdiction they now possess, and also original jurisdiction in actions for the recovery of money only, where the defendants reside in the county, and in which the complaint demands judgment for a sum not exceeding two thousand dollars. The Legislature may hereafter enlarge or restrict the jurisdiction of the County Courts, provided, however, that their jurisdiction shall not be so extended as to authorize an action therein for the recovery of money only in which the sum demanded exceeds two thousand dollars, or in which any person not a resident of the county is a defendant.

Courts of Sessions, except in the county of New York, are abolished from and after the last day of December, one thousand

eight hundred and ninety-five. All the jurisdiction of the Court of Sessions in each county, except the county of New York, shall be vested in the County Court thereof, and all actions and proceedings then pending in such Courts of Sessions shall be transferred to said County Courts for hearing and determination. Every county judge shall perform such duties as may be required by law. His salary shall be established by law, payable out of the county treasury. A county judge of any county may hold County Courts in any other county when requested by the judge of such other county.

Sec. 15. The existing Surrogate's Courts are continued, and the surrogates now in office shall hold their offices until the expiration of their terms. Their successors shall be chosen by the electors of their respective counties, and their terms of office shall be six years, except in the county of New York, where they shall continue to be fourteen years. Surrogates and Surrogate's Courts shall have the jurisdiction and powers which the surrogates and existing Surrogate's Courts now possess, until otherwise provided by the Legislature. The county judge shall be surrogate of his county, except where a separate surrogate has been or shall be elected. In counties having a population exceeding forty thousand wherein there is no separate surrogate, the Legislature may provide for the election of a separate officer to be surrogate, whose term of office shall be six years. When the surrogate shall be elected as a separate officer his salary shall be established by law, payable out of the county treasury. No county judge or surrogate shall hold office longer than until and including the last day of December next after he shall be seventy years of age. Vacancies occurring in the office of county judge or surrogate shall be filled in the same manner as like vacancies occurring in the Supreme Court. The compensation of any county judge or surrogate shall not be increased or diminished during his term of office. For the relief of Surrogate's Courts the Legislature may confer upon the Supreme Court in any county having a population exceeding four hundred thousand, the powers and jurisdiction of surrogates, with authority to try issues of fact by jury in probate cases.

Sec. 16. The Legislature may, upon application of the Board of Supervisors, provide for the election of local officers, not to exceed two in any county, to discharge the duties of county judge and of surrogate, in cases of their inability or of a vacancy, and in

such other cases as may be provided by law, and to exercise such other powers in special cases as are or may be provided by law.

Sec. 17. The electors of the several towns shall, at their annual town meetings, or at such other time and in such manner as the Legislature may direct, elect justices of the peace, whose term of office shall be four years. In case of an election to fill a vacancy occurring before the expiration of a full term, they shall hold for the residue of the unexpired term. Their number and classification may be regulated by law. Justices of the peace and judges or justices of inferior courts not of record, and their clerks, may be removed for cause, after due notice and an opportunity of being heard by such courts as are or may be prescribed by law. Justices of the peace and district court justices may be elected in the different cities of this State in such manner, and with such powers, and for such terms, respectively, as are or shall be prescribed by law; all other judicial officers in cities, whose election or appointment is not otherwise provided for in this article, shall be chosen by the electors of such cities, or appointed by some local authorities thereof.

Sec. 18. Inferior local courts of civil and criminal jurisdiction may be established by the Legislature, but no inferior local court hereafter created shall be a court of record. The Legislature shall not hereafter confer upon any inferior or local court of its creation any equity jurisdiction or any greater jurisdiction in other respects than is conferred upon County Courts by or under this article.

Except as herein otherwise provided, all judicial officers shall be elected or appointed at such times and in such manner as the Legislature may direct.

Sec. 19. Clerks of the several counties shall be clerks of the Supreme Court, with such powers and duties as shall be prescribed by law. The justices of the Appellate Division in each department shall have power to appoint and to remove a clerk who shall keep his office at a place to be designated by said justices. The clerk of the Court of Appeals shall keep his office at the seat of government. The clerk of the Court of Appeals and the clerks of the Appellate Division shall receive compensation to be established by law and paid out of the public treasury.

Sec. 20. No judicial officer, except justices of the peace, shall receive to his own use any fees or perquisites of office; nor shall any judge of the Court of Appeals, or justice of the Supreme

Court, or any county judge or surrogate hereafter elected in a county having a population exceeding one hundred and twenty thousand, practice as an attorney or counselor in any Court of Record in this State, or act as referee.

The Legislature may impose a similar prohibition upon county judges and surrogates in other counties.

No one shall be eligible to the office of judge of the Court of Appeals, justice of the Supreme Court, or, except in the county of Hamilton, to the office of county judge or surrogate, who is not an attorney and counselor of this State.

Sec. 21. The Legislature shall provide for the speedy publication of all statutes, and shall regulate the reporting of the decisions of the courts; but all laws and judicial decisions shall be free for publication by any person.

Sec. 22. Justices of peace and other local judicial officers provided for in sections seventeen and eighteen, in office when this article takes effect, shall hold their offices until the expiration of their respective terms.

Sec. 23. Courts of Special Sessions shall have such jurisdiction of offenses of the grade of misdemeanors as may be prescribed by law.

Was read the third time and passed, a majority of all the Delegates elected to the Convention voting on favor thereof.

Ayes — Messrs. Abbott, Acker, Ackerly, Arnold, Baker, Banks, Barhite, Barrow, Becker, Bowers, Brown, E. A.; Brown, E. R.; Bush, Cady, Carter, Church, Clark, G. W.; Clark, H. A.; Coleman, Cookinham, Countryman, Crosby, Davies, J. C.; Davis, G. A.; Deady, Dean, Deterling, Dickey, Doty, Durfee, Durnin, Faber, Floyd, Foote, Francis, Frank, Andrew; Frank, Augustus; Fraser, Fuller, C. A.; Fuller, O. A.; Galinger, Gibney, Gilbert, Goeller, Goodelle, Hamlin, Hawley, Hecker, Hedges, Herzberg, A.; Hill, Holls, Hottenroth, Jenks, Johnson, I. Sam; Johnson, J.; Kerwin, Kimmey, Kinkel, Kurth, Lauterbach, Lester, Lewis, C. H.; Lincoln, Lyon, Manley, Marshall, Maybee, McClure, McDonough, McIntyre, McLaughlin, C. B.; McMillan, Mereness, Moore, Morton, Mulqueen, Nichols, W. H.; Nicoll, De L.; Nostrand, O'Brien, Ohmeis, Parker, Parkhurst, Pashley, Phipps, Platzek, Pool, Porter, Pratt, Putnam, Redman, Roche, Rogers, Root, Schumaker, Spencer, Springweiler, Steele, A. B.; Storm, Sullivan, T. A.; Sullivan, W.; Tibbetts, Titus, Tucker, Turner, Vedder, Vogt, Wellington, Whitmyer, Woodward, President — 112.

Noes — Messrs. Bigelow, Campbell, Cassidy, Chipp, Jr.; Cochran, Cornwell, Danforth, Davenport, Deyo, Emmet, Farrell, Forbes, Gilleran, Green, A. H.; Green, J. I.; Griswold, Hirschberg, M. H.; Holcomb, Hotchkiss, Mantanye, Marks, McCurdy, McLaughlin, J. W.; Parmenter, Peck, Rowley, Sandford, Smith, Speer, Steele, W. H.; Towns, Veeder, Wiggins — 33.

When the name of Mr. Giegerich was called, he asked to be and was excused from voting.

Mr. Hamlin, from the Committee on Printing, reported in words following:

IN CONVENTION, }
September 13, 1894. }

To the Convention:

The Committee on Printing, to whom was referred the following resolution:

By Mr. Blake:

Resolved, That the Committee on Printing investigate and report to this Convention, not later than Thursday noon of this week, the cause of the delay in furnishing to the Convention the printed Record of the debates, pursuant to a resolution heretofore adopted by the Convention.

Do respectfully report that, on investigation, it appears that the official stenographer has performed his duties with all reasonable promptness, and that the Compiler has duly caused a copy of the proceedings to be delivered to the printer.

That The Argus Company, the printer to the Convention, has failed to fulfill the conditions prescribed by the Convention in reference to its printing which appear on page 226 of the Journal; that the alleged causes of such failure, as claimed by The Argus Company, are:

First. That the copy of the proceedings comes irregularly to the office badly mutilated, and in large quantities, owing to the delay incident to the correction of the same by different members of the Convention.

Second. That Delegates call at the printing office to correct copy, and thereby further delay the execution of the work.

Your committee are of the opinion that while there is doubtless considerable force in the excuse offered by The Argus Com-

pany, it does not fully exonerate that company for its failure to perform the conditions above referred to, established by the Convention for its printing.

All of which is respectfully submitted.

T. H. HAMLIN,
Chairman.

Mr. J. I. Green dissented.

Mr. President then announced the Special Order, being G. O. No. 63, printed No. 462, entitled "Proposed constitutional amendment to amend the Constitution by the addition of a new article relating to the diversion of the waters of the Niagara river."

The Convention then went into Committee of the Whole, and, after some time spent therein, Mr. Cady, from said committee, reported:

The Committee of the Whole have had under consideration the proposed constitutional amendment, printed No. 462, entitled "To amend the Constitution by the addition of a new article, relating to the diversion of the waters of Niagara river," have made some progress in the same, but not having gone through therewith, have instructed the chairman to report that fact to the Convention, and ask leave to sit again.

The question being on granting leave, Mr. Acker and Mr. Cochran were appointed as tellers, and announced the following vote: Ayes 21, noes 43, and said motion was declared lost.

Mr. Marshall then moved that said proposed constitutional amendment be recommitted to the Committee on Legislative Powers and Duties, retaining its place on General Orders, with instructions to report the same forthwith, amended as follows:

The Legislature shall not hereafter create any right or license to divert, from their natural channel, any of the waters of the Niagara river, above Niagara Falls, except for sanitary, domestic or fire purposes, or for the use of the Erie canal, or the ship canal at Buffalo, or for canal slips leading to docks and wharves.

All persons and corporations vested with the right to divert such waters shall be under the direction and control of, and all such diversions shall be regulated by the Commissioners of the Land Office, after due notice to the Commissioners of the State Reservation at Niagara, and to the parties interested. This section shall not affirm, impair or enlarge any existing claim of any person or corporation to divert such waters.

Mr. Acker raised the point of order that leave to sit again having been refused, the said proposed constitutional amendment was killed.

Mr. President ruled the point of order well taken.

Mr. Acker then moved that the Convention proceed with the order of third reading, and it was determined in the negative.

Mr. Dickey moved to reconsider the vote refusing leave to sit again.

Mr. Bowers moved to lay the motion of Mr. Dickey on the table.

Mr. President put the question on the motion of Mr. Bowers, and it was determined in the negative.

Mr. President put the question on the motion to reconsider, and Messrs. McDonough and Cochran were appointed tellers, and announced the following vote: Ayes 78, noes 41, and it was declared carried.

Mr. Marshall then moved to disagree with the report of the Committee of the Whole, and that said proposed constitutional amendment be recommitted to the Committee on Legislative Powers and Duties, retaining its place on General Orders, with instructions to report the same forthwith, amended as follows:

“The Legislature shall not hereafter create any right or license to divert, from their natural channel, any of the waters of the Niagara river, above Niagara Falls, except for sanitary, domestic or fire purposes, or for the use of the Erie canal, or the ship canal at Buffalo, or for canal slips leading to docks and wharves.

“All persons and corporations vested with the right to divert such waters, shall be under the direction and control of, and all such diversions shall be regulated by the Commissioners of the Land office, after due notice to the Commissioners of the State Reservation at Niagara, and to the parties interested. This section shall not affirm, impair or enlarge any existing claim of any person or corporation to divert such waters.”

Mr. C. B. McLaughlin moved to lay the motion of Mr. Marshall on the table.

Mr. President put the question on the motion of Mr. McLaughlin, and it was determined in the negative.

Ayes — Messrs. Abbott, Acker, Ackerly, Barrow, Becker, Bigelow, Cady, Cassidy, Countryman, Davis, G. A.; Dean, Doty, Forbes, Hawley, Hill, Holcomb, McCurdy, McIntyre, McKinstry,

McLaughlin, C. B.; McMillan, Moore, Nichols, W. H.; O'Brien, Parkhurst, Pool, Putnam, Root, Schumaker, Spencer, Sullivan, T. A.; Tekulsky; President — 34.

Noes — Messrs. Arnold, Baker, Barhite, Bowers, Brown, E. A.; Church, Cochran, Clark, H. A.; Coleman, Cookinham, Cornwell, Crosby, Danforth, Deady, Deterling, Dickey, Durfee, Emmet, Faber, Floyd, Foote, Francis, Frank, Andrew; Frank, Augustus; Fuller, C. A.; Fuller, O. A.; Galinger, Gibney, Gilleran, Goeller, Goodelle, Green, A. H.; Hecker, Hedges, Herzberg, A.; Hotchkiss, Hottenroth, Johnson, I. Sam; Johnson, J.; Kerwin, Kimmey, Kinkel, Lauterbach, Lester, Lewis, C. H.; Lincoln, Lyon, Manley, Mantanye, Marks, Marshall, McClure, McLaughlin, J. W.; Mereness, Morton, Nicoll, De L.; Nostrand, Parmenter, Pashley, Peck, Platzek, Porter, Roche, Rogers, Sandford, Springweiler, Steele, W. H.; Sullivan, W.; Titus, Towns, Tucker, Turner, Vedder, Wellington, Whitmyer, Williams, Woodward — 76.

Mr. President presented a communication from Samuel Gompers, of New York city, claiming the seat of Joseph Koch.

Referred to the Committee on Privileges and Elections.

The hour having arrived, the Convention took a recess until three o'clock.

AFTERNOON SESSION.

Three o'clock, P. M.

The Convention again met.

The President stated the pending question this morning, at the time the Convention took a recess, to be upon the motion of Mr. Marshall, to recommit the proposed constitutional amendment, printed No. 462, "relating to the diversion of the waters of the Niagara river," with instructions to amend.

Mr. McMillan offered the following as a substitute for Mr. Marshall's instructions:

"All corporations, companies or individuals now or hereafter engaged in diverting any of the waters of the Niagara river, above the falls of Niagara, for business or power purposes, shall be under the direction and control of the Commissioners of the Land Office, as to the use of said water."

On motion of Mr. C. B. McLaughlin, the time for this discussion was extended ten minutes.

Mr. C. B. McLaughlin moved to amend the motion of Mr. Marshall as follows: Strike out all after the word "purposes," and insert the following: "And all existing grants of the right to take or to divert from the natural channel any of the waters of the Niagara river, above the Niagara Falls, except for sanitary, domestic or fire purposes, are hereby revoked, canceled and annulled."

Mr. President put the question on the motion of Mr. C. B. McLaughlin, and it was determined in the negative.

Ayes — Messrs. Banks, Barhite, Barnum, Barrow, Cookinham, Countryman, Crosby, Dean, Fraser, Green, A. H.; Holcomb, Jenks, Kerwin, Lewis, C. H.; Lyon, Mantanye, Marshall, McLaughlin, C. B.; O'Brien, Parmenter, Peck, Platzek, Pratt, Redman, Rogers, Steel, A. B.; Steele, W. H.; Tucker, Whitmyer — 29.

Noes — Messrs. Abbott, Acker, Ackerly, Allaben, Arnold, Baker, Becker, Bowers, Brown, E. A.; Burr, Cady, Carter, Cassidy, Chipp, Jr.; Church, Clark, G. W.; Clark, H. A.; Cochran, Coleman, Cornwell, Danforth, Davenport, Davis, G. A.; Deady, Deterling, Deyo, Dickey, Doty, Durfee, Durnin, Emmet, Faber, Floyd, Foote, Forbes, Francis, Frank, Augustus; Fuller, C. A.; Fuller, O. A.; Galinger, Gibney, Goodelle, Griswold, Hamlin, Hawley, Hecker, Hedges, Herzberg, A.; Hill, Holls, Hotchkiss, Hottenroth, Johnson, I. Sam; Johnson, J.; Kimmey, Kinkel, Lauterbach, Lester, Lincoln, Manley, Marks, Maybee, McClure, McCurdy, McDonough, McIntyre, McKinsty, McMillan, Mereness, Morton, Mulqueen, Nichols, W. H.; Nicoll, De L.; Ohmeis, Osborn, Parker, Parkhurst, Pashley, Peabody, Phipps, Pool, Porter, Powell, Putnam, Roche, Root, Sandford, Schumaker, Smith, Spencer, Springweiler, Storm, Sullivan, T. A.; Tekulsky, Tibbetts, Titus, Truax, C. H.; Turner, Vedder, Veeder, Vogt, Wellington, Wiggins, Woodward, President — 105.

Mr. President put the question on the motion of Mr. McMillan, and it was determined in the negative.

Mr. President put the question on the substitute offered by Mr. Roche, in words following:

Article —, section —. The right to divert the waters of Niagara river, above Niagara Falls, pursuant to any grant or license heretofore or hereafter given by the Legislature, and the use by any person or corporation who was, on the first day of September, one thousand eight hundred and ninety-four,

actually engaged in the diversion of the waters of said river for business or manufacturing purposes, shall be regulated by and be under the direction and control of the Commissioners of the Land Office, who shall, from time to time, after notice to the Commissioners of the State Reservation, at Niagara, and to the parties interested, make such orders and give such directions in regard to the diversion and use of such waters; and the compensation to be paid therefor to the State, as shall be just and proper. This section shall not be deemed to recognize or affect any right, privilege or license under which any person or corporation may claim the right to divert the waters of said river, or to prevent the use of such waters for the canals of the State, or for a ship canal, or for canal slips leading to docks and wharves, or for sanitary, fire or domestic purposes.

And it was determined in the negative.

Mr. President put the question on the motion of Mr. Marshall, and it was determined in the negative.

Mr. President put the question on the adoption of the report of the Committee of the Whole, and granting leave to sit again, and it was determined in the negative.

The proposed constitutional amendment, printed No. 454, in words following:

PROPOSED CONSTITUTIONAL AMENDMENT

To Amend Article Three, Relating to the Apportionment of Senate and Assembly Districts.

The Delegates of the People of the State of New York, in Convention assembled, do propose as follows:

Sections 2, 3, 4 and 5 of article 3 are hereby amended so as to read as follows:

Sec. 2. The Senate shall consist of fifty members, except as hereinafter provided. The Senators elected in the year one thousand eight hundred and ninety-five shall hold their offices for three years, and their successors shall be chosen for two years. The Assembly shall consist of one hundred and fifty members who shall be chosen for one year.

Sec. 3. The State shall be divided into fifty districts to be called Senate districts, each of which shall choose one Senator. The districts shall be numbered from one to fifty inclusive.

District number one (1) shall consist of the counties of Suffolk and Richmond.

District number two (2) shall consist of the county of Queens.

District number three (3) shall consist of that part of the county of Kings comprising the first, second, third, fourth, fifth and sixth wards of the city of Brooklyn.

District number four (4) shall consist of that part of the county of Kings comprising the seventh, thirteenth, nineteenth and twenty-first wards of the city of Brooklyn.

District number five (5) shall consist of that part of the county of Kings comprising the eighth, tenth, twelfth and thirtieth wards of the city of Brooklyn, and the ward of the city of Brooklyn which was formerly the town of Gravesend.

District number six (6) shall consist of that part of the county of Kings comprising the ninth, eleventh, twentieth and twenty-second wards of the city of Brooklyn.

District number seven (7) shall consist of that part of the county of Kings comprising the fourteenth, fifteenth, sixteenth and seventeenth wards of the city of Brooklyn.

District number eight (8) shall consist of that part of the county of Kings comprising the twenty-third, twenty-fourth, twenty-fifth and twenty-ninth wards of the city of Brooklyn, and the town of Flatlands.

District number nine (9) shall consist of that part of the county of Kings comprising the eighteenth, twenty-sixth, twenty-seventh and twenty-eighth wards of the city of Brooklyn.

District number ten (10) shall consist of that part of the county of New York within and bounded by a line beginning at Canal street and the Hudson river, and running thence along Canal street, Hudson street, Broome street, Sullivan street, Spring street, Broadway, Canal street, the Bowery, Division street, Grand street and Jackson street, to the East river and thence around the southern end of Manhattan Island to the place of beginning, and also Governor's, Bedlow's and Ellis islands.

District number eleven (11) shall consist of that part of the county of New York lying north of district number ten, and within and bounded by a line beginning at the junction of Broadway and Canal street, and running thence along Broadway, Fourth street, the Bowery and Third avenue, St. Mark's place, Avenue A, Seventh street, Avenue B, Clinton street, Rivington street, Norfolk street, Division street, Bowery and Canal street, to the place of beginning.

District number twelve (12) shall consist of that part of the county of New York lying north of districts numbers ten and eleven, and within and bounded by a line beginning at Jackson street and the East river, and running thence through Jackson street, Grand street, Division street, Norfolk street, Rivington street, Clinton street, Avenue B, Seventh street, Avenue A, St. Mark's place, Third avenue, East Fourteenth street to the East river, and along the East river, to the place of beginning.

District number thirteen (13) shall consist of that part of the county of New York lying north of district number ten, and within and bounded by a line beginning at the Hudson river at the foot of Canal street and running thence along Canal street, Hudson street, Broome street, Sullivan street, Spring street, Broadway, Fourth street, the Bowery and Third avenue, Fourteenth street, Sixth avenue, West Fifteenth street, Seventh avenue, West Nineteenth street, Eighth avenue, West Twentieth street, and the Hudson river to the place of beginning.

District number fourteen (14) shall consist of that part of the county of New York lying north of districts numbers twelve and thirteen, and within and bounded by a line beginning at East Fourteenth street and the East river, and running thence along East Fourteenth street, Irving place, East Nineteenth street, Third avenue, East Twenty-third street, Lexington avenue, East Fifty-third street, Third avenue, East Fifty-second street, and the East river, to the place of beginning.

District number fifteen (15) shall consist of that part of the county of New York lying north of district number thirteen, and within and bounded by a line beginning at the junction of West Fourteenth street and Sixth avenue, and running thence along Sixth avenue, West Fifteenth street, Seventh avenue, West Fortieth street, Eighth avenue, and the Transverse road across Central park at Ninety-seventh street, Fifth avenue, East Ninety-sixth street, Lexington avenue, East Twenty-third street, Third avenue, East Nineteenth street, Irving place and Fourteenth street, to the place of beginning.

District number sixteen (16) shall consist of that part of the county of New York lying north of district number thirteen, and within and bounded by a line beginning at Seventh avenue and West Nineteenth street, and running thence along West Nineteenth street, Eighth avenue, West Twentieth street, the Hudson river, West Forty-sixth street, Tenth avenue, West Forty-

third street, Eighth avenue, West Fortieth street and Seventh avenue, to the place of beginning.

District number seventeen (17) shall consist of that part of the county of New York lying north of district number sixteen and within and bounded by a line beginning at the junction of Eighth avenue and West Forty-third street and running thence along West Forty-third street, Tenth avenue, West Forty-sixth street, the Hudson river, West Eighty-ninth street, Tenth avenue, West Eighty-sixth street, Ninth avenue, West Eighty-first street and Eighth avenue to the place of beginning.

District number eighteen (18) shall consist of that part of the county of New York lying north of district number fourteen, and within and bounded by a line beginning at the junction of East Fifty-second street and East river, and running thence along East Fifty-second street, Third avenue, East Fifty-third street, Lexington avenue, East Eighty-fourth street, Second avenue, East Eighty-third street and the East river, to the place of beginning; and also Blackwell's island.

District number nineteen (19) shall consist of that part of the county of New York lying north of district number seventeen, and within and bounded by a line beginning at West Eighty-ninth street and the Hudson river, and running thence along the Hudson river and Spuyten Duyvil creek around the northern end of Manhattan island; thence southerly along the Harlem river to the north end of Fifth avenue, thence along Fifth avenue, East One Hundred and Twenty-ninth street, Fourth avenue, East One Hundred and Tenth street, Fifth avenue, the Transverse road across Central Park at Ninety-seventh street, Eighth avenue, West Eighty-first street, Ninth avenue, West Eighty-sixth street, Tenth avenue and West Eighty-ninth street, to the place of beginning.

District number twenty (20) shall consist of that part of the county of New York lying north of districts numbers eighteen and fifteen, and within and bounded by a line beginning at East Eighty-third street and the East river, running thence through East Eighty-third street, Second avenue, East Eighty-fourth street, Lexington avenue, East Ninety-sixth street, Fifth avenue, East One hundred and Tenth street, Fourth avenue, East One Hundred and Nineteenth street to the Harlem river, and along the Harlem and East rivers to the place of beginning; and also Randall's island and Ward's island.

District number twenty-one (21) shall consist of that part of the county of New York lying north of districts numbers nineteen and twenty, within and bounded by a line beginning at East One Hundred and Nineteenth street and Harlem river, and running thence along East One Hundred and Nineteenth street, Fourth avenue, One Hundred and Twenty-ninth street, Fifth avenue and the Harlem river, to the place of beginning; and all that part of the city of New York lying north and east of Harlem river.

District number twenty-two (22) shall consist of the county of Westchester.

District number twenty-three (23) shall consist of the counties of Orange and Rockland.

District number twenty-four (24) shall consist of the counties of Dutchess, Columbia and Putnam.

District number twenty-five (25) shall consist of the counties of Ulster and Greene.

District number twenty-six (26) shall consist of the counties of Delaware, Chenango and Sullivan.

District number twenty-seven (27) shall consist of the counties of Montgomery, Fulton, Hamilton and Schoharie.

District number twenty-eight (28) shall consist of the counties of Saratoga, Schenectady and Washington.

District number twenty-nine (29) shall consist of the county of Albany.

District number thirty (30) shall consist of the county of Rensselaer.

District number thirty-one (31) shall consist of the counties of Clinton, Essex and Warren.

District number thirty-two (32) shall consist of the counties of St. Lawrence and Franklin.

District number thirty-three (33) shall consist of the counties of Otsego and Herkimer.

District number thirty-four (34) shall consist of the county of Oneida.

District number thirty-five (35) shall consist of the counties of Jefferson and Lewis.

District number thirty-six (36) shall consist of the county of Onondaga.

District number thirty-seven (37) shall consist of the counties of Oswego and Madison.

District number thirty-eight (38) shall consist of the counties of Broome, Cortland and Tioga.

District number thirty-nine (39) shall consist of the counties of Cayuga and Seneca.

District number forty (40) shall consist of the counties of Chemung, Tompkins and Schuyler.

District number forty-one (41) shall consist of the counties of Steuben and Yates.

District number forty-two (42) shall consist of the counties of Ontario and Wayne.

District number forty-three (43) shall consist of that part of the county of Monroe comprising the towns of Brighton, Henrietta, Irondequoit, Mendon, Penfield, Perinton, Pittsford, Rush and Webster, and the fourth, sixth, seventh, eighth, twelfth, thirteenth, fourteenth, sixteenth, seventeenth, and eighteenth wards of the city of Rochester, as at present constituted.

District number forty-four (44) shall consist of that part of the county of Monroe comprising the towns of Chili, Clarkson, Gates, Greece, Hamlin, Ogden, Parma, Riga, Sweden and Wheatland, and the first, second, third, fifth, ninth, tenth, eleventh, fifteenth, nineteenth and twentieth wards of the city of Rochester, as at present constituted.

District number forty-five (45) shall consist of the counties of Niagara, Genesee and Orleans.

District number forty-six (46) shall consist of the counties of Allegany, Livingston and Wyoming.

District number forty-seven (47) shall consist of that part of the county of Erie comprising the first, third, sixth, fifteenth, sixteenth, nineteenth, twentieth, twenty-first, twenty-second, twenty-third and twenty-fourth wards of the city of Buffalo, as at present constituted.

District number forty-eight (48) shall consist of that part of the county of Erie comprising the second, fourth, fifth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth and fourteenth wards of the city of Buffalo, as at present constituted.

District number forty-nine (49) shall consist of that part of the county of Erie comprising the seventeenth, eighteenth and twenty-fifth wards of the city of Buffalo, as at present constituted; and all the remainder of the said county of Erie not hereinbefore described.

District number fifty (50) shall consist of the counties of Chautauqua and Cattaraugus.

Sec. 4. An enumeration of the inhabitants of the State shall be taken under the direction of the Secretary of State, during the months of May and June, in the year one thousand nine hundred and five, and in the same months every tenth year thereafter; and the said districts shall be so altered by the Legislature at the first regular session after the return of every enumeration, that each Senate district shall contain as nearly as may be an equal number of inhabitants, excluding aliens, and be in as compact form as practicable, and shall remain unaltered until the return of another enumeration, and shall at all times, consist of contiguous territory, and no county shall be divided in the formation of a Senate district except to make two or more Senate districts wholly in such county. No town and no block in a city, inclosed by streets or public ways, shall be divided in the formation of Senate districts; nor shall any district contain a greater excess in population over an adjoining district in the same county, than the population of a town or block therein, adjoining such district. Counties, towns or blocks which, from their location, may be included in either of two districts, shall be so placed as to make said districts most nearly equal in number of inhabitants, excluding aliens.

No county shall have four or more Senators unless it shall have a full ratio for each Senator. No county shall have more than one-third of all the Senators; and no two counties or the territory thereof as now organized, which are adjoining counties, or which are separated only by public waters, shall have more than one-half of all the Senators.

The ratio of apportioning Senators shall always be obtained by dividing the number of inhabitants, excluding aliens, by fifty, and the Senate shall always be composed of fifty members, except that if any county having three or more Senators at the time of any apportionment shall be entitled on such ratio to an additional Senator or Senators, such additional Senator or Senators shall be given to such county in addition to the fifty Senators, and the whole number of Senators shall be increased to that extent.

Sec. 5. The members of the Assembly shall be chosen by single districts, and shall be apportioned by the Legislature at the first regular session after the return of every enumeration among the several counties of the State, as nearly as may be according to the number of their respective inhabitants, excluding aliens. Every county heretofore established and separately organized, except the county of Hamilton, shall always be entitled to one

member of Assembly, and no county shall hereafter be erected unless its population shall entitle it to a member. The county of Hamilton shall elect with the county of Fulton, until the population of the county of Hamilton shall, according to the ratio, entitle it to a member. But the Legislature may abolish the said county of Hamilton and annex the territory thereof to some other county or counties.

The quotient, obtained by dividing the whole number of inhabitants of the State, excluding aliens, by the number of members of Assembly, shall be the ratio for apportionment, which shall be made as follows:

One member of assembly shall be apportioned to every county, including Fulton and Hamilton as one county, containing less than the ratio and one-half over. Two members shall be apportioned to every other county. The remaining members of assembly shall be apportioned to the counties having more than two ratios according to the number of inhabitants, excluding aliens. Members apportioned on remainders shall be apportioned to the counties having the highest remainders in the order thereof respectively. No county shall have more members of assembly than a county having a greater number of inhabitants, excluding aliens.

Until after the next enumeration members of the Assembly shall be apportioned to the several counties as follows: Albany county, four members; Allegany county, one member; Broome county, two members; Cattaraugus county, two members; Cayuga county, two members; Chautauqua county, two members; Chemung county, one member; Chenango county, one member; Clinton county, one member; Columbia county, one member; Cortland county, one member; Delaware county, one member; Dutchess county, two members; Erie county, eight members; Essex county, one member; Franklin county, one member; Fulton and Hamilton counties, one member; Genesee county, one member; Greene county, one member; Herkimer county, one member; Jefferson county, two members; Kings county, twenty-one members; Lewis county, one member; Livingston county, one member; Madison county, one member; Monroe county, four members; Montgomery county, one member; New York county, thirty-five members; Niagara county, two members; Oneida county, three members; Onondaga county, four members; Ontario county, one member; Orange county, two members; Orleans county, one member; Oswego county, two members; Otsego county, one member; Put-

nam county, one member; Queens county, three members; Rensselaer county, three members; Richmond county, one member; Rockland county, one member; St. Lawrence county, two members; Saratoga county, one member; Schenectady county, one member; Schoharie county, one member; Schuyler county, one member; Seneca county, one member; Steuben county, two members; Suffolk county, two members; Sullivan county, one member; Tioga county, one member; Tompkins county, one member; Ulster county, two members; Warren county, one member; Washington county, one member; Wayne county, one member; Westchester county, three members; Wyoming county, one member, and Yates county, one member.

In any county entitled to more than one member the board of supervisors, and in any city embracing an entire county and having no board of supervisors, the common council, or if there be none, the body exercising the powers of a common council shall assemble on the second Tuesday of June, one thousand eight hundred and ninety-five, and at such times as the Legislature making an apportionment shall prescribe, and divide such counties into Assembly districts as nearly equal in number of inhabitants excluding aliens, as may be, of convenient and contiguous territory in as compact form as practicable, each of which shall be wholly within a Senate district formed under the same apportionment, equal to the number of members of the Assembly to which such county shall be entitled, and shall cause to be filed in the office of such Secretary of State and of the clerk of such county, a description of such districts, specifying the number of each district and of the inhabitants thereof, excluding aliens, according to the last preceding enumeration, and such apportionment and districts shall remain unaltered until another enumeration shall be made, as herein provided, but said division of the city of Brooklyn and the county of Kings to be made on the second Tuesday of June, one thousand eight hundred and ninety-five, shall be made by the common council of the said city, and the board of supervisors of said county, assembled in joint session. In counties having more than one Senate district the same number of Assembly districts shall be put in each Senate district unless the Assembly districts cannot be evenly divided among the Senate districts of any county, in which case one or more Assembly districts shall be put in the Senate district in such county having the largest, or one less Assembly district shall be put in the Senate district in such county having the smallest number of inhabitants

excluding aliens, as the case may require. No town, and no block in a city, inclosed by streets or public ways, shall be divided in the formation of Assembly districts, nor shall any district contain a greater excess in population over an adjoining district in the same Senate district, than the population of a town or block therein adjoining such Assembly district. Towns or blocks which, from their location, may be included in either of two districts, shall be so placed as to make said districts most nearly equal in number of inhabitants, excluding aliens; but in the division of cities under the first apportionment, regard shall be had to the number of inhabitants, excluding aliens, of the election districts according to the State enumeration of one thousand eight hundred ninety-two, so far as may be, instead of blocks. Nothing in this section shall prevent the division, at any time, of counties and towns, and the erection of new towns by the Legislature.

An apportionment by the Legislature, or other body, shall be subject to review by the Supreme Court, at the suit of any citizen, under such reasonable regulations as the Legislature may prescribe; and any court before which a cause may be pending involving an apportionment, shall give precedence thereto over all other causes and proceedings, and if said court be not in session it shall convene promptly for the disposition of the same.

Being announced for third reading, Mr. Dean moved that the proposed amendment be recommitted to the Committee on Legislative Organization, with instructions to report forthwith the following amendment:

Section —. The State shall be divided into thirty-two districts to be called Senate districts, each of which shall choose one Senator. The districts shall be numbered from one to thirty-two, inclusive, and shall remain as at present constituted until changed pursuant to the provisions of this Constitution.

Sec. —. An enumeration of the inhabitants of the State shall be taken, under the direction of the Legislature, in the year one thousand, eight hundred and ninety-five, and at the end of every ten years thereafter; and the districts shall be so altered by the Legislature, at the first regular session after the return of every enumeration, that each Senate district shall contain, as nearly as may be, an equal number of inhabitants, excluding aliens; and shall remain unaltered until the return of another enumeration, and shall at all times consist of contiguous territory; and no county shall be divided in the formation of a Senate district,

except such county shall be equitably entitled to two or more Senators. In apportioning the Senate districts the Legislature shall be governed by the figures of the enumeration hereby provided, and the apportionment shall be made by dividing the whole number of persons returned in such enumeration by thirty-two, and grouping the counties in such manner that a contiguous territory shall approximate with the greatest possible degree of accuracy the ratio of representation thus established. In counties entitled to two or more Senators the apportionment shall be made in such a manner as to equitably divide the representation among the people, having regard to the number of such persons in each of the several districts as established by the enumeration provided for in this article.

Sec. —. The Assembly shall consist of one hundred and twenty-eight members, elected for one year. The members of assembly shall be apportioned among the several counties of the State, by the Legislature, as nearly as may be, according to the number of their respective inhabitants, excluding aliens, as established by the enumeration provided for in this article, and shall be chosen by single districts. The Assembly districts shall remain as at present organized, until after the enumeration of the inhabitants of this State, in the year eighteen hundred and ninety-five. The Legislature at its first regular session after the return of every enumeration, shall apportion the members of the Assembly among the several counties of the State, in the manner aforesaid, and the board of supervisors in such counties as may be entitled under such apportionment to more than one member, except the city and county of New York, and in said city and county the board of aldermen of said city, shall assemble at such times as the Legislature making such apportionment shall prescribe, and divide their respective counties into Assembly districts, each of which districts shall consist of convenient and contiguous territory, equal to the numbers of members of Assembly to which such county shall be entitled, and shall cause to be filed in the office of the Secretary of State, and the clerks of their respective counties, a description of such districts, specifying the number of each district and the population thereof according to the last preceding enumeration, as near as can be ascertained, and the apportionment and districts shall remain unaltered until another enumeration shall be made as herein provided. All surplus members, after having provided for one member from each

county, with the exception of Hamilton, and after each county entitled to more than one member under the ratio, which shall be determined by dividing the whole number of persons returned at the last enumeration, exclusive of aliens, by one hundred and twenty-eight, shall have been given its full quota, shall be apportioned to the counties having the largest final fraction above the ratio. No town shall be divided in the formation of Assembly districts. Every county heretofore established and separately organized, except the county of Hamilton, shall always be entitled to one member of the Assembly, and no new county shall be hereafter erected, unless its population shall entitle it to a member. The county of Hamilton shall elect with the county of Fulton, until the population of the county of Hamilton shall, according to the ratio, be entitled to a member. But the Legislature may abolish the said county of Hamilton, and annex the territory to some other county or counties. Nothing in this section shall prevent division at any time of counties and towns, and the erection of new towns and counties by the Legislature.

Mr. Tekulsky moved that the proposed constitutional amendment under consideration, being General Order No. 74, be recommended to the Committee on Legislative Organization, with instructions to amend as follows, and report the same forthwith to the Convention:

On page 3 line 4, by inserting before the word "Broome" the words "Dominick street, Varick street," and on page 4, line 3, insert before the word "Broome" the words "Dominick street, Varick street."

Mr. Jenks moved to instruct said committee as follows:

Amend section 4, on page 10, by striking out lines "22, 23, 24 and 25" of said page, and also lines "1, 2, 3, 4, 5, 6, 7, 8, 9, 10," of page 11.

Mr. Roche moved to instruct said committee as follows:

Strike out "1905" on lines 3 and 4, page 10, and insert instead "1895."

Mr. Mereness moved to instruct said committee to amend as follows:

Add the following section:

Sec. 6. Each member of the Legislature, elected after January 1, 1895, shall receive for his services an annual salary of twelve

hundred dollars; and shall also receive the sum of one dollar for every ten miles he shall travel in going to and returning from the place of meeting, once in each session, on the most usual route. Senators, when the Senate is convened in extraordinary session, or when serving as members of the court for the trial of impeachments, and such members of the Assembly, not exceeding nine, as shall be appointed managers of an impeachment, shall receive an additional allowance of ten dollars for each day necessarily engaged.

Mr. Becker moved that the proposed constitutional amendment under consideration, being General Order No. 74, be recommitted to the Committee on Legislative Organization, with instructions to amend as follows, and report the same forthwith to the Convention amended as follows:

On page 9, line 12, after the word "first" insert the word "second," and in line 12 strike out the word "sixteenth;" also, on same page, line 17, strike out the word "second," and in line 18, after the word "fourteenth," insert the word "sixteenth."

Pending the debate, Mr. Root moved that the time of the session be extended to six o'clock.

The question being on the motion of Mr. Root, Messrs. Barrow and Cochran were appointed as tellers, and announced the result as follows : Ayes 74, noes 23, and the motion was declared carried.

Mr. Tibbetts moved to further instruct said committee as follows:

"Strike out all matters relating to apportionment, so far as it actually apportions the Senate and Assembly districts, and report a general proposition to prevent unequal and unjust apportionments. Also, giving the Legislature power to increase the membership of the Senate and Assembly."

Mr. President put the question on the motion of Mr. Tekulsky. Mr. J. C. Davies and Mr. Cochran were appointed as tellers, and announced the following vote: Ayes 97, noes 60, and the motion was declared carried.

Mr. President put the question on the motion of Mr. Becker, and it was determined in the affirmative.

Mr. President put the question on the motion of Mr. Mereness. Mr. J. C. Davies and Mr. Cochran were appointed tellers, and

announced the vote as follows: Ayes 33, noes 68, and the motion was declared to be lost.

Mr. President put the question on the motion of Mr. Jenks, and it was determined in the negative.

Mr. President put the question on the motion of Mr. Tibbetts, and it was determined in the negative.

Mr. President put the question on the motion of Mr. Roche, and it was determined in the negative.

Mr. President put the question on the motion of Mr. Dean, and it was determined in the negative.

Ayes — Messrs. Bigelow, Blake, Bowers, Burr, Bush, Campbell, Cassidy, Chipp, Jr.; Cochran, Danforth, Davenport, Deady, Dean, Deyo, Durnin, Emmet, Forbes, Giegerich, Gilleran, Goeller, Green, J. I.; Griswold, Herzberg, A.; Holcomb, Hotchkiss, Hottenroth, Jenks, Kerwin, Kimmey, Marks, Maybee, McClure, McCurdy, McLaughlin, J. W.; Mulqueen, Nicoll, De L.; Ohmeis, Osborn, Parmenter, Peabody, Peck, Platzek, Roche, Sandford, Schumaker, Smith, Sullivan, W.; Tekulsky, Titus, Truax, C. H.; Tucker, Veeder, Williams — 53.

Noes — Messrs. Abbott, Acker, Ackerly, Allaben, Arnold, Baker, Barhite, Barnum, Barrow, Becker, Brown, E. A.; Brown, E. R.; Cady, Carter, Church, Clark, G. W.; Clark, H. A.; Coleman, Cookinham, Cornwell, Countryman, Crosby, Davies, J. C.; Davis, G. A.; Deterling, Dickey, Doty, Durfee, Faber, Floyd, Foote, Francis, Frank, Andrew; Frank, Augustus; Fraser, Fuller, C. A.; Fuller, O. A.; Galinger, Gilbert, Goodelle, Hamlin, Hawley, Hecker, Hedges, Hill, Hirschberg, M. H.; Holls, Johnson, I. Sam; Johnson, J.; Kinkel, Kurth, Lauterbach, Lester, Lewis, C. H.; Lincoln, Lyon, Manley, Mantanye, Marshall, McArthur, McDonough, McIntyre, McKinstry, McLaughlin, C. B.; McMillan, Moore, Morton, Nichols, W. H.; Nostrand, O'Brien, Parker, Parkhurst, Pashley, Phipps, Pool, Porter, Powell, Putnam, Redman, Root, Spencer, Springweiler, Steele, A. B.; Steele, W. H.; Storm, Sullivan, T. A.; Turner, Vedder, Vogt, Wellington, Whitmyer, Wiggins, Woodward, President — 94.

On motion of Mr. Bowers, at 5.50, the Convention took a recess until 8 o'clock.

EVENING SESSION.

Eight o'clock P. M.

The Convention again met.

Mr. President directed the Secretary to call the roll to ascertain if a quorum was present, when the following Delegates answered to the call of their names:

Messrs. Abbott, Acker, Ackerly, Allaben, Arnold, Baker, Banks, Barhite, Barnum, Barrow, Becker, Bigelow, Blake, Brown, E. A.; Brown, E. R.; Burr, Bush, Cady, Campbell, Carter, Cassidy, Chipp, Jr.; Church, Clark, G. W.; Clark, H. A.; Cochran, Coleman, Cookinham, Cornwell, Countryman, Crosby, Davenport, Davies, J. C.; Davis, G. A.; Deady, Dean, Deterling, Deyo, Dickey, Doty, Durfee, Durnin, Emmet, Faber, Floyd, Forbes, Francis, Frank, Andrew; Fuller, C. A.; Fuller, O. A.; Galinger, Gibney, Giegerich, Gilbert, Gilleran, Goeller, Goodelle, Green, A. H.; Green, J. I.; Griswold, Hamlin, Hawley, Hecker, Hedges, Herzberg, A.; Hill, Hirschberg, M. H.; Holcomb, Holls, Hotchkiss, Hottenroth, Jenks, Johnson, I. Sam; Johnson, J.; Johnston, R. M.; Kerwin, Kimmey, Kinkel, Kurth, Lauterbach, Lester, Lewis, C. H.; Lincoln, Lyon, Manley, Mantanye, Marks, Marshall, Maybee, McArthur, McClure, McCurdy, McDonough, McIntyre, McKinstry, McLaughlin, C. B.; McLaughlin, J. W.; McMillan, Meyenborg, Moore, Morton, Mulqueen, Nichols, W. H.; Nostrand, O'Brien, Ohmeis, Osborn, Parker, Parmenter, Pashley, Peabody, Peck, Phipps, Platzek, Pool, Porter, Powell, Pratt, Putnam, Redman, Roche, Rogers, Root, Sandford, Spencer, Springweiler, Steele, A. B.; Steele, W. H.; Storm, Sullivan, T. A.; Sullivan, W.; Tibbetts, Titus, Tucker, Turner, Vedder, Veeder, Vogt, Wellington, Whitmyer, Wiggins, Williams, Woodward, President.

Mr. Gilbert then asked unanimous consent to amend said proposed constitutional amendment by striking out the word "one-half," on line 1, page 11, and inserting in lieu thereof, the word "one-third," which was objected to.

Said proposed constitutional amendment, printed No. 454, in words following:

PROPOSED CONSTITUTIONAL AMENDMENT

To Amend Article Three Relating to the Apportionment of Senate and Assembly Districts.

The Delegates of the People of the State of New York, in Convention assembled, do propose as follows :

Sections 2, 3, 4 and 5 of article 3, are hereby amended so as to read as follows:

Sec. 2. The Senate shall consist of fifty members, except as hereinafter provided. The Senators elected in the year one thousand eight hundred and ninety-five shall hold their offices for three years, and their successors shall be chosen for two years. The Assembly shall consist of one hundred and fifty members who shall be chosen for one year.

Sec. 3. The State shall be divided into fifty districts to be called Senate districts, each of which shall choose one Senator. The districts shall be numbered from one to fifty inclusive.

District number one (1) shall consist of the counties of Suffolk and Richmond.

District number two (2) shall consist of the county of Queens.

District number three (3) shall consist of that part of the county of Kings comprising the first, second, third, fourth, fifth and sixth wards of the city of Brooklyn.

District number four (4) shall consist of that part of the county of Kings comprising the seventh, thirteenth, nineteenth and twenty-first wards of the city of Brooklyn.

District number five (5) shall consist of that part of the county of Kings comprising the eighth, tenth, twelfth and thirtieth wards of the city of Brooklyn, and the ward of the city of Brooklyn which was formerly the town of Gravesend.

District number six (6) shall consist of that part of the county of Kings comprising the ninth, eleventh, twentieth and twenty-second wards of the city of Brooklyn.

District number seven (7) shall consist of that part of the county of Kings comprising the fourteenth, fifteenth, sixteenth and seventeenth wards of the city of Brooklyn.

District number eight (8) shall consist of that part of the county of Kings comprising the twenty-third, twenty-fourth, twenty-fifth and twenty-ninth wards of the city of Brooklyn, and the town of Flatlands.

District number nine (9) shall consist of that part of the county of Kings comprising the eighteenth, twenty-sixth, twenty-seventh and twenty-eight wards of the city of Brooklyn.

District number ten (10) shall consist of that part of the county of New York within and bounded by a line beginning at Canal street and the Hudson river, and running thence along Canal street, Hudson street, Dominick street, Varick street, Broome street, Sullivan street, Spring street, Broadway, Canal street, the Bowery, Division street, Grand street and Jackson street, to the East river and thence around the southern end of Manhattan island to the place of beginning, and also Governor's, Bedlow's and Ellis islands.

District number eleven (11) shall consist of that part of the county of New York lying north of district number ten, and within and bounded by a line beginning at the junction of Broadway and Canal street, and running thence along Broadway, Fourth street, the Bowery and Third avenue, St. Mark's place, Avenue A, Seventh street, Avenue B, Clinton street, Rivington street, Norfolk street, Division street, Bowery and Canal street, to the place of beginning.

District number twelve (12) shall consist of that part of the county of New York lying north of districts numbers ten and eleven and within and bounded by a line beginning at Jackson street and the East river, and running thence through Jackson street, Grand street, Division street, Norfolk street, Rivington street, Clinton street, Avenue B, Seventh street, Avenue A, St. Mark's place, Third avenue, East Fourteenth street to the East river, and along the East river, to the place of beginning.

District number thirteen (13) shall consist of that part of the county of New York lying north of district number ten, and within and bounded by a line beginning at the Hudson river at the foot of Canal street and running thence along Canal street, Hudson street, Dominick street, Varick street, Broome street, Sullivan street, Spring street, Broadway, Fourth street, the Bowery, and Third avenue, Fourteenth street, Sixth avenue, West Fifteenth street, Seventh avenue, West Nineteenth street, Eighth avenue, West Twentieth street, and the Hudson river, to the place of beginning.

District number fourteen (14) shall consist of that part of the county of New York lying north of districts numbers twelve and thirteen, and within and bounded by a line beginning at East

Fourteenth street and the East river, and running thence along East Fourteenth street, Irving place, East Nineteenth street, Third avenue, East Twenty-third street, Lexington avenue, East Fifty-third street, Third avenue, East Fifty-second street, and the East river, to the place of beginning.

District number fifteen (15) shall consist of that part of the county of New York lying north of district number thirteen, and within and bounded by a line beginning at the junction of West Fourteenth street and Sixth avenue, and running thence along Sixth avenue, West Fifteenth street, Seventh avenue, West Fortieth street, Eighth avenue, and the Transvers road across Central park at Ninety-seventh street, Fifth avenue, East Ninety-sixth street, Lexington avenue, East Twenty-third street, Third avenue, East Nineteenth street, Irving place and Fourteenth street, to the place of beginning.

District number sixteen (16) shall consist of that part of the county of New York lying north of district number thirteen, and within and bounded by a line beginning at Seventh avenue and West Nineteenth street, and running thence along West Nineteenth street, Eighth avenue, West Twentieth street, the Hudson river, West Forty-sixth street, Tenth avenue, West Forty-third street, Eighth avenue, West Fortieth street and Seventh avenue, to the place of beginning.

District number seventeen (17) shall consist of that part of the county of New York lying north of district number sixteen and within and bounded by a line beginning at the junction of Eighth avenue and West Forty-third street, and running thence along West Forty-third street, Tenth avenue, West Forty-sixth street, the Hudson river, West Eighty-ninth street, Tenth avenue, West Eighty-sixth street, Ninth avenue, West Eighty-first street and Eighth avenue, to the place of beginning.

District number eighteen (18) shall consist of that part of the county of New York lying north of district number fourteen, and within and bounded by a line beginning at the junction of East Fifty-second street and East river, and running thence along East Fifty-second street, Third avenue, East Fifty-third street, Lexington avenue, East Eighty-fourth street, Second avenue, East Eighty-third street and the East river, to the place of beginning; and also Blackwell's island.

District number nineteen (19) shall consist of that part of the county of New York lying north of district number seventeen, and

within and bounded by a line beginning at West Eighty-ninth street and the Hudson river, and running thence along the Hudson river and Spuyten Duyvil creek around the northern end of Manhattan island; thence southerly along the Harlem river to the north end of Fifth avenue; thence along Fifth avenue, East One Hundred and Twenty-ninth street, Fourth avenue, East One Hundred and Tenth street, Fifth avenue, the Transverse road across Central Park at Ninety-seventh street, Eighth avenue, West Eighty-first street, Ninth avenue, West Eighty-sixth street, Tenth avenue and West Eighty-ninth street, to the place of beginning.

District number twenty (20) shall consist of that part of the county of New York lying north of districts numbers eighteen and fifteen, and within and bounded by a line beginning at East Eighty-third street and the East river, running thence through East Eighty-third street, Second avenue, East Eighty-fourth street, Lexington avenue, East Ninety-sixth street, Fifth avenue, East One Hundred and Tenth street, Fourth avenue, East One Hundred and Nineteenth street to the Harlem river, and along the Harlem and East rivers to the place of beginning; and also Randall's island and Ward's island.

District number twenty-one (21) shall consist of that part of the county of New York lying north of districts numbers nineteen and twenty, within and bounded by a line beginning at East One Hundred and Nineteenth street and Harlem river, and running thence along East One Hundred and Nineteenth street, Fourth avenue, One Hundred and Twenty-ninth street, Fifth avenue and the Harlem river, to the place of beginning; and all that part of the city of New York lying north and east of Harlem river.

District number twenty-two (22) shall consist of the county of Westchester.

District number twenty-three (23) shall consist of the counties of Orange and Rockland.

District number twenty-four (24) shall consist of the counties of Dutchess, Columbia and Putnam.

District number twenty-five (25) shall consist of the counties of Ulster and Greene.

District number twenty-six (26) shall consist of the counties of Delaware, Chenango and Sullivan.

District number twenty-seven (27) shall consist of the counties of Montgomery, Fulton, Hamilton and Schoharie.

District number twenty-eight (28) shall consist of the counties of Saratoga, Schenectady and Washington.

District number twenty-nine (29) shall consist of the county of Albany.

District number thirty (30) shall consist of the county of Rensselaer.

District number thirty-one (31) shall consist of the counties of Clinton, Essex and Warren.

District number thirty-two (32) shall consist of the counties of St. Lawrence and Franklin.

District number thirty-three (33) shall consist of the counties of Otsego and Herkimer.

District number thirty-four (34) shall consist of the county of Oneida.

District number thirty-five (35) shall consist of the counties of Jefferson and Lewis.

District number thirty-six (36) shall consist of the county of Onondaga.

District number thirty-seven (37) shall consist of the counties of Oswego and Madison.

District number thirty-eight (38) shall consist of the counties of Broome, Cortland and Tioga.

District number thirty-nine (39) shall consist of the counties of Cayuga and Seneca.

District number forty (40) shall consist of the counties of Chemung, Tompkins and Schuyler.

District number forty-one (41) shall consist of the counties of Steuben and Yates.

District number forty-two (42) shall consist of the counties of Ontario and Wayne.

District number forty-three (43) shall consist of that part of the county of Monroe comprising the towns of Brighton, Henrietta, Irondequoit, Mendon, Penfield, Perinton, Pittsford, Rush and Webster, and the fourth, sixth, seventh, eighth, twelfth, thirteenth, fourteenth, sixteenth, seventeenth, and eighteenth wards of the city of Rochester, as at present constituted.

District number forty-four (44) shall consist of that part of the county of Monroe comprising the towns of Chili, Clarkson, Gates, Greece, Hamlin, Ogden, Parma, Riga, Sweden and Wheatland, and the first, second, third, fifth, ninth, tenth, eleventh, fifteenth, nineteenth and twentieth wards of the city of Rochester, as at present constituted.

District number forty-five (45) shall consist of the counties of Niagara, Genesee and Orleans.

District number forty-six (46) shall consist of the counties of Allegany, Livingston and Wyoming.

District number forty-seven (47) shall consist of that part of the county of Erie, comprising the first, second, third, sixth, fifteenth, nineteenth, twentieth, twenty-first, twenty-second, twenty-third and twenty-fourth wards of the city of Buffalo, as at present constituted.

District number forty-eight (48) shall consist of that part of the county of Erie comprising the fourth, fifth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth and sixteenth wards of the city of Buffalo, as at present constituted.

District number forty-nine (49) shall consist of that part of the county of Erie comprising the seventeenth, eighteenth and twenty-fifth wards of the city of Buffalo, as at present constituted; and all the remainder of the said county of Erie not hereinbefore described.

District number fifty (50) shall consist of the counties of Chautauqua and Cattaraugus.

Sec. 4. An enumeration of the inhabitants of the State shall be taken under the direction of the Secretary of State, during the months of May and June, in the year one thousand nine hundred and five, and in the same months every tenth year thereafter; and the said districts shall be so altered by the Legislature at the first regular session after the return of every enumeration, that each Senate district shall contain as nearly as may be an equal number of inhabitants, excluding aliens, and be in as compact form as practicable, and shall remain unaltered until the return of another enumeration, and shall at all times, consist of contiguous territory, and no county shall be divided in the formation of a Senate district except to make two or more Senate districts wholly in such county. No town and no block in a city, inclosed by streets or public ways, shall be divided in the formation of Senate districts; nor shall any district contain a greater excess in population over an adjoining district in the same county, than the population of a town or block therein, adjoining such district. Counties, towns or blocks which, from their location, may be included in either of two districts, shall be so placed as to make said districts most nearly equal in number of inhabitants, excluding aliens.

No county shall have four or more Senators unless it shall have a full ratio for each Senator. No county shall have more than one-third of all the Senators; and no two counties or the territory thereof as now organized, which are adjoining counties, or which are separated only by public waters, shall have more than one-half of all the Senators.

The ratio for apportioning Senators shall always be obtained by dividing the number of inhabitants, excluding aliens, by fifty, and the Senate shall always be composed of fifty members, except that if any county having three or more Senators at the time of any apportionment shall be entitled on such ratio to an additional Senator or Senators, such additional Senator or Senators shall be given to such county in addition to the fifty Senators, and the whole number of Senators shall be increased to that extent.

Sec. 5. The members of the Assembly shall be chosen by single districts, and shall be apportioned by the Legislature at the first regular session after the return of every enumeration among the several counties of the State, as nearly as may be, according to the number of their respective inhabitants, excluding aliens. Every county heretofore established and separately organized, except the county of Hamilton, shall always be entitled to one member of Assembly, and no county shall hereafter be erected unless its population shall entitle it to a member. The county of Hamilton shall elect with the county of Fulton, until the population of the county of Hamilton shall, according to the ratio, entitle it to a member. But the Legislature may abolish the said county of Hamilton and annex the territory thereof to some other county or counties.

The quotient, obtained by dividing the whole number of inhabitants of the State, excluding aliens, by the number of members of Assembly, shall be the ratio for apportionment, which shall be made as follows:

One member of Assembly shall be apportioned to every county, including Fulton and Hamilton as one county, containing less than the ratio and one-half over. Two members shall be apportioned to every other county. The remaining members of Assembly shall be apportioned to the counties having more than two ratios according to the number of inhabitants, excluding aliens. Members apportioned on remainders shall be apportioned to the counties having the highest remainders in the order thereof

respectively. No county shall have more members of Assembly than a county having a greater number of inhabitants, excluding aliens.

Until after the next enumeration members of the Assembly shall be apportioned to the several counties as follows: Albany county, four members; Allegany county, one member; Broome county, two members; Cattaraugus county, two members. Cayuga county, two members; Chautauqua county, two members; Chemung county, one member; Chenango county, one member; Clinton county, one member; Columbia county, one member; Cortland county, one member; Delaware county, one member; Dutchess county, two members; Erie county, eight members; Essex county, one member; Franklin county, one member; Fulton and Hamilton counties, one member; Genesee county, one member; Greene county, one member; Herkimer county, one member; Jefferson county, two members; Kings county, twenty-one members; Lewis county, one member; Livingston county, one member; Madison county, one member; Monroe county, four members; Montgomery county, one member; New York county, thirty-five members; Niagara county, two members; Oneida county, three members; Onondaga county, four members; Ontario county, one member; Orange county, two members; Orleans county, one member; Oswego county, two members; Otsego county, one member; Putnam county, one member; Queens county, three members; Rensselaer county, three members; Richmond county, one member; Rockland county, one member; St. Lawrence county, two members; Saratoga county, one member; Schenectady county, one member; Schoharie county, one member; Schuyler county, one member; Seneca county, one member; Steuben county, two members; Suffolk county, two members; Sullivan county, one member; Tioga county, one member; Tompkins county, one member; Ulster county, two members; Warren county, one member; Washington county, one member; Wayne county, one member; Westchester county, three members; Wyoming county, one member, and Yates county, one member.

In any county entitled to more than one member the board of supervisors, and in any city embracing an entire county and having no board of supervisors, the common council, or if there be none, the body exercising the powers of a common council shall assemble on the second Tuesday of June, one thousand eight

hundred and ninety-five, and at such times as the Legislature making an apportionment shall prescribe, and divide such counties into Assembly districts as nearly equal in number of inhabitants, excluding aliens, as may be, of convenient and contiguous territory in as compact form as practicable, each of which shall be wholly within a Senate district formed under the same apportionment, equal to the number of members of the Assembly to which such county shall be entitled, and shall cause to be filed in the office of such Secretary of State and of the clerk of such county, a description of such districts, specifying the number of each district and of the inhabitants thereof, excluding aliens, according to the last preceding enumeration, and such apportionment and districts shall remain unaltered until another enumeration shall be made, as herein provided, but said division of the city of Brooklyn and the county of Kings to be made on the second Tuesday of June, one thousand eight hundred and ninety-five, shall be made by the common council of said city, and the board of supervisors of said county, assembled in joint session. In counties having more than one Senate district, the same number of Assembly districts shall be put in each Senate district, unless the Assembly districts cannot be evenly divided among the Senate districts of any county, in which case one or more Assembly district shall be put in the Senate district in such county having the largest, or one less Assembly district shall be put in the Senate district in such county having the smallest number of inhabitants, excluding aliens, as the case may require. No town, and no block in a city, inclosed by streets or public ways, shall be divided in the formation of Assembly districts, nor shall any district contain a greater excess in population over an adjoining district in the same Senate district, than the population of a town or block therein adjoining such Assembly district. Towns or blocks which, from their location, may be included in either of two districts, shall be so placed as to make said districts most nearly equal in number of inhabitants, excluding aliens; but in the division of cities under the first apportionment, regard shall be had to the number of inhabitants, excluding aliens, of the election districts according to the State enumeration of one thousand eight hundred ninety-two, so far as may be, instead of blocks. Nothing in this section shall prevent the division, at any time, of counties and towns, and the erection of new towns by the Legislature.

An apportionment by the Legislature, or other body, shall be subject to review by the Supreme Court, at the suit of any citizen, under such reasonable regulations as the Legislature may prescribe; and any court before which a cause may be pending involving all other causes and proceedings, and if said court be not in session, it shall convene promptly for the disposition of the same.

Was read the third time and passed, a majority of all the Delegates elected to the Convention voting in favor thereof.

Ayes — Messrs. Abbott, Acker, Ackerly, Allaben, Arnold, Baker, Barhite, Barnum, Barrow, Becker, Brown, E. A.; Brown, E. R.; Cady, Carter, Cassidy, Church, Clark, G. W.; Clark, H. A.; Coleman, Cookinham, Cornwell, Crosby, Davies, J. C.; Davis, G. A.; Deterling, Dickey, Doty, Durfee, Faber, Floyd, Foote, Francis, Frank, Andrew; Frank, Augustus; Fraser, Fuller, C. A.; Fuller, O. A.; Galinger, Gilbert, Goodelle, Hamlin, Hawley, Hecker, Hedges, Hill, Hirschberg, M. H.; Holls, Johnson, I. Sam; Johnson, J.; Johnston, R. M.; Kinkel, Kurth, Lauterbach, Lester, Lewis, C. H.; Lincoln, Lyon, Manley, Mantanye, Marshall, McArthur, McDonough, McIntyre, McKinstry, McLaughlin, C. B.; McMillan, Moore, Morton, Nichols, W. H.; Nostrand, O'Brien, Parker, Parkhurst, Pashley, Phipps, Pool, Porter, Powell, Pratt, Putnam, Redman, Root, Spencer, Springweiler, Steele, A. B.; Steele, W. H.; Storm, Sullivan, T. A.; Turner, Vedder, Vogt, Wellington, Whitmyer, Wiggins, Woodward, President — 96.

Noes — Messrs. Banks, Bigelow, Blake, Bowers, Burr, Bush, Campbell, Chipp, Jr.; Cochran, Countryman, Danforth, Davenport, Deady, Dean, Deyo, Durnin, Emmet, Forbes, Gibney, Giegerich, Gilleran, Goeller, Green, A. H.; Green, J. I.; Griswold, Herzberg, A.; Holcomb, Hotchkiss, Hottenroth, Jenks, Kerwin, Kimmey, Marks, Maybee, McClure, McCurdy, McLaughlin, J. W.; Meyenborg, Mulqueen, Nicoll, De L.; Ohmeis, Osborn, Parmenter, Peabody, Peck, Platzek, Roche, Rogers, Sandford, Schumaker, Smith, Speer, Sullivan, W.; Tekulsky, Titus, Towns, Truax, C. H.; Tucker, Veeder, Williams — 60.

The proposed constitutional amendment, printed No. 452, "To amend the Constitution relative to the forest preserve," being announced for third reading, Mr. Root moved that the session be extended until 10.30 P. M.

Mr. President put the question on the motion of Mr. Root, and it was determined in the affirmative.

Ayes — Messrs, Abbott, Acker, Allaben, Arnold, Barnum, Barrow, Becker, Bigelow, Brown, E. A.; Brown, E. R.; Burr, Cady, Carter, Cassidy, Church, Clark, G. W.; Clark, H. A.; Coleman, Cookinham, Cornwell, Davenport, Davies, J. C.; Davis, G. A.; Deady, Dean, Deyo, Dickey, Doty, Durfee, Faber, Floyd, Foote, Francis, Frank, Augustus; Fraser, Fuller, C. A.; Galinger, Gilbert, Goodelle, Green, J. I.; Hamlin, Hawley, Hedges, Hill, Hirschberg, M. H.; Holcomb, Holls, Hotchkiss, Johnson, J.; Kurth, Lauterbach, Lester, Lincoln, Lyon, Marks, Maybee, McArthur, McClure, McIntyre, McKinstry, McLaughlin, C. B.; McMullan, Moore, Morton, Mulqueen, Nicoll, De L.; Nostrand, O'Brien, Parkhurst, Pashley, Phipps, Platzek, Pratt, Putnam, Redman, Root, Sandford, Smith, Spencer, Springweiler, Steele, A. B.; Steele, W. H.; Sullivan, T. A.; Tekulsky, Tibbetts, Titus, Towns, Turner, Vedder, Wellington, Whitney, Wiggins, Williams, Woodward, President — 96.

Noes — Messrs. Banks, Bush, Danforth, Fuller, O. A.; Giegerich, Herzberg, A.; Jenks, Kerwin, McLaughlin, J. W.; Ohmeis, Peabody, Peck — 12.

Mr. Root, from the Committee on Rules, reported the resolution offered by Mr. Root, September eleventh, and recommends its passage amended to read as follows:

Resolved, That no call for the ayes and noes be allowed upon any of the following motions:

1. For the previous question.
2. Relating to rules and order of business.
3. To lay upon or take from the table, to postpone or to reconsider.
4. Dilatory motions.

Mr. President put the question on the adoption of said resolution, and it was determined in the affirmative.

Mr. Hedges offered a resolution in words following:

Resolved, That this Convention meet at 9 A. M. Saturday next, and adjourn at 12 M., until Thursday, September twentieth, at 10 A. M.

Mr. Burr moved that the present session be extended to 12 o'clock.

Mr. Root moved to amend by striking out "12" o'clock and inserting "11.30" in lieu thereof.

Mr. President put the question on the motion of Mr. Root, and it was determined in the affirmative.

Mr. President stated the question to be on the motion of Mr. Hedges.

Mr. Root moved the previous question.

Mr. President put the question on the motion for the previous question, and it was determined in the affirmative.

Mr. President put the question on the motion of Mr. Hedges, and it was determined in the affirmative.

Mr. Jenks moved that the Convention now adjourn.

Mr. President put the question on the motion of Mr. Jenks, and it was determined in the negative.

The proposed constitutional amendment, printed No. 452, in words following:

PROPOSED CONSTITUTIONAL AMENDMENT

To Amend the Constitution Relative to the Forest Preserve.

The Delegates of the People of the State of New York, in Convention assembled, do propose as follows:

ARTICLE—.

Section —. The lands of the State, now owned or hereafter acquired, constituting the forest preserve, as now fixed by law, shall be forever kept as wild forest lands. They shall not be leased, sold or exchanged, or be taken by any corporation, public or private, nor shall the timber thereon be sold, removed or destroyed.

Being announced for third reading, Mr. Floyd moved to recommit said proposed amendment to the Special Committee reporting it, with instructions to report forthwith, amended as follows:

Insert after the word "leased," in line 4, the words "otherwise than as now provided by law, or."

Mr. McClure moved the previous question on Mr. Floyd's motion.

Mr. President put the question on the motion for the previous question, and it was determined in the affirmative.

Mr. President put the question on the motion of Mr. Floyd, and it was determined in the negative.

Mr. Forbes then moved to recommit with instructions to report forthwith amended by adding the following as an additional section.

Sec —. The Legislature shall, by suitable laws, provide for the permanent preservation and protection of the forests in the State, and may provide for rebates of taxes on agricultural lands, where forests are preserved or maintained in connection therewith.

Mr. President put the question on the motion of Mr. Forbes, and it was determined in the negative.

Said proposed constitutional amendment was then read the third time, and passed, a majority of all the Delegates elected to the Convention voting in favor thereof.

Ayes — Messrs. Abbott, Acker, Ackerly, Allaben, Arnold, Baker, Banks, Barhite, Barnum, Barrow, Becker, Bigelow, Brown, E. A.; Brown, E. R.; Burr, Cady, Carter, Cassidy, Church, Clark, G. W.; Clark, H. A.; Cochran, Coleman, Cookinham, Cornwell, Countryman, Crosby, Davenport, Davies, J. C.; Davis, G. A.; Deady, Dean, Deyo, Doty, Durfee, Durnin, Emmet, Faber, Floyd, Forbes, Francis, Frank, Andrew; Frank, Augustus; Fuller, C. A.; Fuller, O. A.; Galinger, Gibney, Giegerich, Goeller, Goodelle, Green, A. H.; Green, J. I.; Hamlin, Hawley, Hedges, Herzberg, A.; Hill, Hirschberg, M. H.; Holcomb, Holls, Hotchkiss, Hottenroth, Jenks, Johnson, I. Sam; Johnson, J.; Kinkel, Kurth, Lauterbach, Lester, Lewis, C. H.; Lincoln, Manley, Mantanye, Marks, Marshall, McArthur, McClure, McDonough, McIntyre, McKinsty, McLaughlin, C. B.; McLaughlin, J. W.; McMillan, Moore, Morton, Mulqueen, Nichols, W. H.; Nicoll, De L.; Nostrand, O'Brien, Osborn, Pashley, Peabody, Peck, Phipps, Platzek, Pool, Powell, Pratt, Putnam, Redman, Root, Springweiler, Steele, A. B.; Steele, W. H.; Storm, Sullivan, T. A.; Tekulsky, Tibbetts, Titus, Towns, Truax, C. H.; Turner, Vedder, Veeder, Vogt, Wellington, Whitmyer, Wiggins, Williams, Woodward, President — 144.

On motion of Mr. Cookinham, at 10.50, the Convention adjourned.

Friday, September 14, 1894.

The Convention met pursuant to adjournment.

Prayer by Rev. A. K. Duff.

On motion of Mr. A. H. Green, the reading of the Journal of Thursday, September thirteenth, was dispensed with.

The last Record appearing upon the files of members to-day is of date, August twenty-eighth.

By vote of the Convention the following members were excused from attendance as follows: Mr. McArthur, to-day; Mr. Pool, September fourteenth and fifteenth.

Mr. I. S. Johnson rose to a question of privilege.

By unanimous consent, on motion of Mr. Lincoln:

Resolved, That the Secretary be and he is hereby directed to deliver, by mail or otherwise, to the publisher of each newspaper or other periodical in this State, a copy of all constitutional amendments adopted by this Convention, within five days after their adoption.

Mr. Kurth called up his resolution, in words following:

Whereas, From the files upon the desks of the Delegates to this Convention at the present time, it appears that the records and proceedings of said Convention are not printed later than Saturday, August the twenty-seventh inst., or seventeen days ago;

Resolved, That the Compiler be and he is hereby directed to inform this Convention forthwith the cause of such delay or neglect.

Mr. Veeder moved to amend by striking out "forthwith" and inserting in lieu thereof the word "to-morrow."

Mr. Kurth accepted the amendment.

Mr. President put the question on said motion, and it was determined in the affirmative.

Mr. Dean moved to reconsider the vote by which the proposed constitutional amendment, printed No. 454, entitled "Proposed constitutional amendment to amend article 3, relating to the apportionment of Senate and Assembly districts," and that that motion lay on the table.

Mr. President put the question on the motion to lay on the table, and it was determined in the negative.

Mr. President put the question on the motion to reconsider, and it was determined in the negative.

Mr. A. B. Steele offered a resolution in words following :

Whereas, Albert B. Crumb, one of the messengers at this Convention, has continuously acted as assistant postmaster since May twenty-first. Now, therefore, it is hereby

Resolved, That an additional sum of three dollars per day be allowed and paid to said Crumb for his services as assistant postmaster.

Referred to the Committee on Contingent Expenses.

Mr. Deady moved that the services of all clerks of committees be continued until the final adjournment of the Convention.

Mr. Bowers moved that the services of said clerks be dispensed with after to-morrow.

Mr. I. S. Johnson moved to amend by inserting after "committees," the words "be employed at such service as the President and Secretary may need them for."

On motion of Mr. M. Hirschberg, said motion was referred to the Committee on Rules.

Mr. Lyon, from the Committee on Contingent Expenses, to which was referred the annexed resolution, reciting that Thomas Rochford be and hereby is entitled, since the twenty-ninth day of May last, to such pay as is commensurate with such additional duties and work required and performed by him, would respectfully report:

That Thomas Rochford was appointed a messenger of this Convention on May twenty-second, and was, on May twenty-ninth, assigned by the Secretary of the Convention to assist the Financial Secretary in clerical work, and has so assisted since that time.

That Mr. Rochford has received for his services three dollars per day for seven days each week, which is the compensation allowed messengers of the Legislature.

That four members of the Committee on Contingent Expenses favor an additional allowance to Mr. Rochford, and three members of the committee are opposed to any additional allowance.

GEORGE F. LYON,
Chairman.

Mr. Kurth offered a resolution in words following :

Whereas, Thomas Rochford was, on the 22d day of May, 1894, duly appointed a messenger of this Convention, and duly qualified and entered upon his duties as such; and

Whereas, Thereafter, and on the twenty-ninth day of May, he was transferred to the office of the Financial Secretary of the Convention, and therein required to do clerical work and assist in making up the pay-rolls and receipts of the Convention, and as well as perform duties as messenger in said office.

Resolved, That said Thomas Rochford, be and hereby is, entitled, since the twenty-ninth day of May, to such pay as is commensurate with such added duties and work required and performed by him.

Mr. McMillan moved to amend said report as follows:

Resolved, That the amount of compensation to be paid to Thomas Rochford for extra services rendered as assistant to the Financial Secretary, be the sum of two dollars per diem from May 29, 1894, to the final adjournment of this Convention, and that the payment thereof, out of the fund appropriated for the expenses of this Convention, be and hereby is authorized and directed.

The resolution, giving rise to debate, was tabled under the rules.

Mr. President directed the Secretary to call the roll to ascertain if a quorum was present, when the following Delegates answered to the call of their names:

Messrs. Abbott, Acker, Ackerly, Allaben, Arnold, Baker, Banks, Barnum, Barrow, Bigelow, Bowers, Brown, E. R.; Burr, Cady, Campbell, Carter, Cassidy, Chipp, Jr.; Church, Clark, G. W.; Cochran, Coleman, Cornwell, Crosby, Danforth, Davenport, Davies, J. C.; Deady, Dean, Deterling, Deyo, Dickey, Doty, Durnin, Emmet, Faber, Floyd, Foote, Forbes, Francis, Fuller, C. A.; Fuller, O. A.; Galinger, Gibney, Giegerich, Gilleran, Goodelle, Green, A. H.; Hamlin, Hawley, Hecker, Hedges, Herzberg, A.; Hill, Hirschberg, M. H.; Holcomb, Holls, Hottenroth, Jenks, Johnson, I. Sam; Johnson, J.; Kimmey, Kinkel, Kurth, Lauterbach.

Lester, Lewis, C. H.; Lewis, M. E.; Lincoln, Lyon, Manley, Mantanye, Marks, Marshall, Maybee, McClure, McCurdy, McIntyre, McKinstry, McLaughlin, C. B.; McMillan, Mereness, Meyenborg, Moore, Morton, Nichols, W. H.; Nicoll, De'L.; Nostrand, O'Brien, Ohmeis, Osborn, Parker, Parkhurst, Parmenter, Pashley, Smith.

The proposed constitutional amendment, printed No. 402, in words following:

PROPOSED CONSTITUTIONAL AMENDMENT

To Amend Section Four of Article Two of the Constitution,
Relating to Registration of Voters.

The Delegates of the People of the State of New York, in Convention assembled, do propose as follows:

Section 4 of article 2 of the Constitution, is hereby amended so as to read as follows:

Sec. 4. Laws shall be made for ascertaining, by proper proofs, the citizens who shall be entitled to the right of suffrage hereby established, and for the registration of voters; which registration shall be completed at least ten days before each election. Such registration shall not be required for town and village elections except by express provision of law. In cities and villages having five thousand inhabitants or more, according to the last preceding State enumeration of inhabitants, voters shall be registered upon personal application only; but voters not residing in such cities or villages shall not be required to apply in person for registration at the first meeting of the officers having charge of the registry of voters.

Being announced for third reading, Mr. Holcomb moved that said amendment be recommitted to the Committee on Suffrage, with instructions to report forthwith, amended as follows:

Add at the end of the section, after the word "voters," "this provision shall not authorize legislation reducing the number of days for registration of voters in cities, now provided by law."

The question being on Mr. Holcomb's amendment, Mr. McDonough and Mr. Cochran were appointed tellers, and announced the vote as follows: Ayes 36, noes 55, and the motion was declared to be lost.

Said proposed constitutional amendment, printed No. 402, in words following:

PROPOSED CONSTITUTIONAL AMENDMENT

To Amend Section Four of Article Two of the Constitution,
Relating to Registration of Voters.

The Delegates of the People of the State of New York, in Convention assembled, do propose as follows:

Section 4 of article 2 of the Constitution, is hereby amended so as to read as follows: }

Sec. 4. Laws shall be made for ascertaining, by proper proofs, the citizens who shall be entitled to the right of suffrage hereby established, and for the registration of voters; which registration shall be completed at least ten days before each election. Such registration shall not be required for town and village elections except by express provision of law. In cities and villages having five thousand inhabitants or more, according to the last preceding State enumeration of inhabitants, voters shall be registered upon personal application only; but voters not residing in such cities or villages shall not be required to apply in person for registration at the first meeting of the officers having charge of the registry of voters.

Was read the third time and passed, a majority of all the Delegates elected to the Convention voting in favor thereof.

Ayes — Messrs. Abbott, Acker, Ackerly, Allaben, Arnold, Baker, Barhite, Barnum, Barrow, Becker, Brown, E. A.; Brown, E. R.; Cady, Carter, Cassidy, Church, Clark, G. W.; Clark, H. A.; Coleman, Cookinham, Cornwell, Countryman, Crosby, Davies, J. C.; Davis, G. A.; Dean, Deterling, Dickey, Doty, Durfee, Faber, Floyd, Foote, Francis, Frank, Andrew; Frank, Augustus; Fraser, Fuller, C. A.; Fuller, O. A.; Galinger, Gibney, Gilleran, Goodelle, Hamlin, Hawley, Hecker, Hedges, Hill, Hirschberg, M. H.; Holls, Johnson, I. Sam; Johnson, J.; Johnston, R. M.; Kimmey, Kinkel, Kurth, Lauterbach, Lester, Lewis, C. H.; Lewis, M. E.; Lincoln, Lyon, Manley, Mantanye, Marshall, McArthur, McDonough, McIntyre, McKinstry, McLaughlin, C. B.; McMillan, Mereness, Moore, Morton, Nichols, W. H.; Nicoll, De L.; Nostrand, O'Brien, Parker, Parkhurst, Pashley, Phipps, Pool, Porter, Powell, Pratt, Putnam, Redman, Root, Spencer, Springweiler, Steele, A. B.; Steele, W. H.; Storm, Sullivan, Tibbetts, Turner, Vedder, Vogt, Wellington, Whitmyer, Wiggins, Woodward, President — 104.

Noes — Messrs. Banks, Bigelow, Bowers, Burr, Bush, Chipp, Jr.; Cochran, Danforth, Davenport, Deady, Deyo, Durnin, Emmet, Farrell, Forbes, Giegerich, Goeller, Green, A. H.; Green, J. I.; Herzberg, A.; Holcomb, Hotchkiss, Hottenroth, Jenks, Marks, Maybee, McClure, McLaughlin, J. W.; Meyenborg, Mulqueen, Ohmeis, Parmenter, Peabody, Peck, Platzek, Rogers, Rowley, Sandford, Smith, Sullivan, W.; Tekulsky, Titus, Truax, C. H.; Tucker, Veeder, Williams — 46.

The proposed constitutional amendment, printed No. 457, in words following:

PROPOSED CONSTITUTIONAL AMENDMENT

To Amend Section One of Article Four and Sections One and Two of Article Five of the Constitution, in Regard to the Terms of Office, Powers and Duties of the Governor, etc.

The Delegates of the People of the State of New York, in Convention assembled, do propose as follows:

Section 1 of article 4 is hereby amended so as to read as follows:

Section 1. The executive power shall be vested in a Governor, who shall hold his office for two years; a Lieutenant-Governor shall be chosen at the same time, and for the same term. The Governor and Lieutenant-Governor elected next preceding the time when this section shall take effect, shall hold office until and including the thirty-first day of December, one thousand eight hundred and ninety-six, and their successors shall be chosen at the general election in that year.

Section 1 of article 5 is hereby amended so as to read as follows:

Section 1. The Secretary of State, Comptroller, Treasurer, Attorney-General and State Engineer and Surveyor shall be chosen at a general election, at the times and places of electing the Governor and Lieutenant-Governor, and shall hold their offices for two years, except as provided in section two of this article. Each of the officers in this article named, excepting the Speaker of the Assembly, shall, at stated times, during his continuance in office, receive for his services a compensation which shall not be increased or diminished during the term for which he shall have been elected; nor shall he receive to his use any fees or perquisites of office or other compensation. No person shall be elected to the office of State Engineer and Surveyor who is not a practical civil engineer.

Amend section 2 of article 5 so as to read as follows :

Sec. 2. The first election of the Secretary of State, Comptroller, Treasurer, Attorney-General and State Engineer and Surveyor, pursuant to this article shall be held in the year one thousand eight hundred and ninety-five, and their terms of office shall begin on the first day of January following, and shall be for three years.

At the general election in the year one thousand eight hundred and ninety-eight, and every two years thereafter, their successors shall be chosen for the term of two years.

Being announced for third reading, Mr. Dickey moved to recommend said amendment to the Committee on Governor and State Officers, with instructions to amend and report forthwith by striking out "six," in ninth line, and insert "eight."

The question being on the motion of Mr. Dickey, Mr. McDonough and Mr. Cochran were appointed tellers, and announced the vote as follows: Ayes 24, noes 57, and the motion was declared to be lost.

Said proposed constitutional amendment was then read the third time and passed, a majority of all the Delegates elected to the Convention voting in favor thereof.

Ayes — Messrs. Abbott, Acker, Ackerly, Allaben, Arnold, Baker, Banks, Barrow, Becker, Bigelow, Cady, Carter, Church, Clark, G. W.; Clark, H. A.; Cochran, Coleman, Cookinham, Cornwell, Crosby, Davenport, Davies, J. C.; Davis, G. A.; Deterling, Doty, Durfee, Durnin, Emmet, Faber, Floyd, Foote, Forbes, Francis, Frank, Augustus; Fraser, Fuller, C. A.; Fuller, O. A.; Galinger, Gibney, Giegerich, Gilleran, Goodelle, Green, A. H.; Green, J. I.; Griswold, Hamlin, Hawley, Hedges, Hill, Holls, Jenks, Johnson, I. Sam; Johnson, J.; Johnston, R. M.; Kimmey, Kinkel, Lauterbach, Lester, Lewis, C. H.; Lincoln, Lyon, Manley, Marks, Marshall, Maybee, McArthur, McDonough, McIntyre, McKinstry, McLaughlin, C. B.; McMillan, Moore, Morton, Nichols, W. H.; Nicoll, De L.; O'Brien, Parker, Parkhurst, Pashley, Phipps, Platzek, Pool, Porter, Powell, Pratt, Putnam, Redman, Rogers, Root, Rowley, Spencer, Springweiler, Steele, A. B.; Steele, W. H.; Storm, Sullivan, T. A.; Tibbetts, Titus, Truax, C. H.; Tucker, Turner, Vedder, Vogt, Wellington, Wiggins, Williams, President — 107.

Noes — Messrs. Barhite, Burr, Bush, Campbell, Danforth, Dean, Dickey, Goeller, Herzberg, A.; Holcomb, Hottenroth, Lewis,

M. E.; McClure, McLaughlin, J. W.; Mereness, Meyenborg, Nosstrand, Ohmeis, Peabody, Peck, Roche, Sandford, Schumaker, Veeder — 24.

The proposed constitutional amendment, printed No. 451, in words following:

PROPOSED CONSTITUTIONAL AMENDMENT

To Provide Home Rule for Cities.

The Delegates of the People of the State of New York, in Convention assembled, do propose as follows:

Section 1. All elections of city officers, including supervisors and judicial officers of inferior local courts, elected in any city or part of a city, and of county officers elected in the counties of New York and Kings, and in all counties whose boundaries are the same as those of a city, except to fill vacancies, shall be held on the Tuesday succeeding the first Monday in November in an odd-numbered year, and the term of every such officer shall expire at the end of an odd-numbered year.

The terms of office of all such officers, elected before the first day of January; one thousand eight hundred and ninety-five, whose successors have not then been elected, which, under existing laws would expire with an even-numbered year or in an odd-numbered year and before the end thereof, are extended to and including the last day of December next following the time when such terms would otherwise expire; the terms of office of all such officers, which, under existing laws, would expire in an even-numbered year, and before the end thereof, are abridged so as to expire at the end of the preceding year.

This section shall not apply to any city the population of which, according to the latest State enumeration from time to time made, is less than fifty thousand; nor to elections of any judicial officer, except judges and justices of inferior local courts.

Being announced for third reading, Mr. M. E. Lewis moved that said amendment be recommitted to the Committee on Cities, with instructions to strike out the word "fifty" in line 7, page 2, and to insert in place thereof the words "two hundred and fifty," the Cities Committee to report forthwith, and the measure to retain its place on the Calendar.

Mr. President put the question on the motion of Mr. Lewis, and it was determined in the negative.

Mr. M. E. Lewis then moved that said proposed constitutional amendment be recommitted to the Committee on Cities, with instructions to report the same forthwith, amended as follows:

Strike out all after the word "year" at the end of the first paragraph.

Mr. Spencer moved to further instruct said committee to amend as follows:

Add at the end thereof the following:

"Whenever the electors of any city shall elect to exercise exclusive legislative and administrative powers concerning the streets, highways, parks, public places and sewers within said city, and the compensation of city officials and servants whose duties appertain to any of said subjects, the Legislature shall confer such powers upon the mayor and common council of said city, and provide for their organization and election, in such manner as shall, in the judgment of the Legislature, best conserve the rights of and represent all the people of such city. The Legislature may confer upon such mayor and common council such further powers of local legislation and administration as the Legislature may, from time to time, deem expedient."

Mr. Roche moved to further instruct said committee to amend as follows: "Strike out the last paragraph."

Mr. Tekulsky moved to further instruct said committee to amend as follows:

Insert as an additional section:

Sec. 2. Nor shall the Legislature pass any bill in relation to the regulations of places of public amusements, or any business or occupation, or the structure, building, or any property used therefor, or the persons or corporations engaged therein in any city, but it shall delegate, by general laws, to the legislative body of all cities the right so to do.

Mr. Roche moved to further instruct the committee to amend as follows:

Add after the word "State," on line 6, page 2, the words "or federal."

Mr. President put the question on the motion of Mr. M. E. Lewis, and it was determined in the negative.

Mr. President put the question on the motion of Mr. Spencer, and Mr. J. C. Davies and Mr. Hotchkiss were appointed tellers, and announced the following vote: Ayes 11, noes 50, and the motion was declared lost.

Mr. President put the question on the motion of Mr. Roche, and it was determined in the negative.

Mr. President put the question on the motion of Mr. Tekulsky, and it was determined in the negative.

Mr. President put the question on Mr. Roche's second amendment, and it was determined in the negative.

Said proposed constitutional amendment, No. 451, in words following:

PROPOSED CONSTITUTIONAL AMENDMENT

To Provide Home Rule for Cities.

The Delegates of the People of the State of New York, in Convention assembled, do propose as follows:

Section 1. All elections of city officers, including supervisors and judicial officers of inferior local courts, elected in any city or part of a city, and if county officers elected in the counties of New York and Kings, and in all counties whose boundaries are the same as those of a city, except to fill vacancies, shall be held on the Tuesday succeeding the first Monday in November in an odd-numbered year, and the term of every such officer shall expire at the end of an odd-numbered year.

The terms of office of all such officers, elected before the first day of January, one thousand eight hundred and ninety-five, whose successors have not then been elected, which, under existing laws would expire with an even-numbered year or in an odd-numbered year and before the end thereof, are extended to and including the last day of December next following the time when such terms would otherwise expire; the terms of office of all such officers, which, under existing laws, would expire in an even-numbered year, and before the end thereof, are abridged so as to expire at the end of the preceding year.

This section shall not apply to any city the population of which, according to the latest State enumeration from time to time made, is less than fifty thousand; nor to elections of any judicial officer, except judges and justices of inferior local courts.

Was read the third time and passed, a majority of all the Delegates elected to the Convention voting in favor thereof.

Ayes — Messrs. Abbott, Acker, Ackerly, Allaben, Arnold, Baker, Banks, Barnum, Barrow, Becker, Brown, E. A.; Brown, E. R.; Burr, Cady, Carter, Church, Clark, G. W.; Cochran, Coleman, Cookinham, Cornwell, Crosby, Davenport, Davies, J. C.; Davis, G. A.; Dean, Deterling, Dickey, Doty, Durfee, Emmet, Faber, Floyd, Francis, Frank, Andrew; Frank, Augustus; Fuller, C. A.; Fuller, O. A.; Galinger, Gibney, Giegerich, Goeller, Green, A. H.; Green, J. I.; Hamlin, Hawley, Hecker, Hegdes, Hill, Hirschberg, M. H.; Holls, Hotchkiss, Jenks, Johnson, I. Sam; Johnson, J.; Johnston, R. M.; Kimmey, Kinkel, Kurth, Lauterbach, Lester, Lewis, C. H.; Lyon, Manley, Mantanye, Marshall, Maybee, McDonough, McIntyre, McKinstry, McLaughlin, C. B.; Moore, Morton, Nichols, W. H.; Nicoll, De L.; Nostrand, O'Brien, Osborn, Parker, Parkhurst, Phipps, Platzek, Powell, Pratt, Putnam, Root, Rowley, Sandford, Spencer, Springweiler, Steele, A. B.; Steele, W. H.; Storm, Sullivan, T. A.; Sullivan, W.; Tibbetts, Tucker, Turner, Vedder, Vogt, Wellington, Whitmyer, Wiggins, Woodward, President — 106.

Noes — Messrs. Barhite, Bigelow, Blake, Bush, Cassidy, Chipp, Jr.; Clark, H. A.; Danforth, Deady, Deyo, Durnin, Farrell, Foote, Forbes, Gilleran, Griswold, Herzberg, A.; Holcomb, Hottenroth, Lewis, M. E.; Marks, McCurdy, Mereness, Meyenborg, Mulqueen, Ohmeis, Parmenter, Peabody, Peck, Redman, Roche, Rogers, Schumaker, Smith, Speer, Tekulsky, Titus, Towns, Veeder, Williams — 40.

On motion of Mr. Cady:

Resolved, That the Committee on Canals be discharged from the further consideration of the several matters referred to it by the resolution of September twelfth, and that the several amendments on the subject of canals reported by the Committee of the Whole on September eleventh, be and the same hereby are ordered to a third reading.

The Convention then went into Committee of the Whole, and, after some time spent therein, the hour of one o'clock having arrived, the Convention took a recess until three o'clock.

AFTERNOON SESSION.

Three o'clock P. M.

The Convention again met, and proceeded in Committee of the Whole, and, after some time spent therein, the hour of five o'clock having arrived, the President resumed the chair, and the Convention took a recess until eight o'clock.

EVENING SESSION.

Eight o'clock P. M.

The Convention again met.

On motion of Mr. Francis, the privileges of the floor were extended to Major-General Shetland, of Chicago.

On motion of Mr. Cornwell, the privileges of the floor were extended to the Hon. Sereno E. Payne, of New York.

On motion of Mr. Holls, the privileges of the floor were extended to the Hon. Benjamin F. Tracy, of Brooklyn.

Mr. Goodelle offered a resolution in words following:

Whereas, Mr. Edward M. Seacord, of Cortland, was appointed a messenger of this Convention, and has only received pay as such, but by reason of the lack of sufficient clerical force, and the necessity for the aid of additional clerks to make the work of committees and of the Convention effective, he has been ordered to act as clerk, and he has acted as such from May 23, 1894, and has been an efficient and faithful clerk, performing with marked ability all additional services put upon him;

Resolved, That, as one of the necessary expenses of the Convention, he be paid for his additional service and responsibility, the further sum of three dollars per day for the sessions from May 23, 1894, making his pay the same as that of other clerks. And the payment thereof is hereby authorized and directed to be made out of the fund appropriated for the expenses of this Convention.

Referred to the Committee on Contingent Expenses.

Mr. Cookinham offered a resolution in words following:

Resolved, That proposed constitutional amendments now on General Orders be considered in Committee of the Whole in the following order:

	G. O. No.	Printed No.	Int. No.	By whom introduced—Title.
1..	67..	460..	392..	Committee on Charities—To amend article 5 of the Constitution.
2..	78..	464..	394..	Committee on Cities—To amend article 8, by addition of new section.
3..	55..	432..	256..	Mr. C. H. Truax—To amend article 14 of the Constitution.
4..	12..	436..	368..	Committee on Future Amendments—To amend article 13, relating to future amendments.
5..	26..	393..	206..	Mr. H. A. Clark—Relating to civil service.
6..	42..	417..	327..	Mr. Parker—Relative to drainage of agricultural lands.
7..	57..	434..	60..	Mr. Marshall—To amend article 8, section 7, relative to liability of stockholders of banking corporations.
8..	48..	425..	384..	Committee on Preamble—To amend article 1, section 10, in relation to the suppression of gambling.
9..	27..	395..	375..	Committee on Corporations—As to trusts or combinations. (Minority report on some General Order. Doc. No. 52.)
10..	62..	411..	389..	Committee on Finance and Taxation—To amend article 3 by addition of two new sections.
11..	69..	448..	520.. 130	Mr. Kellogg and Mr. Coleman—To amend the Constitution relative to the liability of employers for injuries to employes.
12..	44..	420..	325..	Mr. Foote—To authorize Legislature to provide for construction of dams and reservoirs.
13..	7..	316..	64..	Mr. Holls—To amend section 4 of article 2, relating to enforcing the duty of voting.
14..	33..	401..	8..	Mr. Gilbert—In relation to the qualification of voters. (Minority report on same General Order. Doc. No. 48.)
15..	35..	407..	322..	Mr. W. H. Steele—As to restrictions on private and local bills.

	G. O. No.	Printed No.	Int. No.	By whom introduced — Title.
16..	36..	408..	377..	Committee on Corporations — Relating to corporations.
17..	38..	413..	211..	Mr. Francis — Relative to religious liberty.
18..	39..	414..	380..	Committee on Preamble — Persons answering for capital and otherwise infamous crime.
19..	40..	415..	381..	Committee on Preamble — To amend article 2, section 17 of the Constitution.
20..	46..	423..	321..	Mr. Gilbert — To amend article 3 to establish boards of arbitration.
21..	47..	424..	115..	Mr. Arnold — To amend article 3, relative to private and local bills.
22..	51..	428..	329..	Mr. Becker — To amend article 10, section 1, relative to Governor removing public officers.
23..	60..	438..	148..	Mr. Banks — To amend article 8, section 11, relative to debt limitation of cities.
24..	66..	445..	158..	Mr. I. S. Johnson — To amend article 12, section 1, relating to oaths of office.
25..	70..	449..	58..	Mr. Springweiler — To amend article 1, section 6, relative to conspiracies.
26..	75..	455..	131..	Mr. Hill — To amend article 3, section 8, relating to the eligibility of persons to a seat in the Legislature.
27..	71..	450..	363..	Mr. Cornwell — To prevent discrimination in rates or charges either by railroad, telegraph or telephone companies, corporations or common carriers doing business in this State.
28..	68..	447..	210..	Mr. Banks — To amend article 8, relative to franchise in city streets and places.
29..	59..	435..	372..	Mr. A. H. Green — To amend article 7 of the Constitution.
30..	5..	421..	382..	Special committee — Relative to the transfer of land titles.
31..	19..	386..	116..	Mr. Roche — To amend section 18 of article 3, relating to special or local laws.

	G. O. No.	Printed No.	Int. No.	By whom introduced — Title.
32..	23..	390..	146..	Mr. Roche — To amend section 13 of article 3, as to passage of bills by the Legislature.
33..	24..	391..	215..	Mr. Becker — Relating to grants.
34..	30..	398..	35..	Mr. H. A. Clark — As to the powers and duties of the Legislature in forming and dividing counties.
35..	37..	412..	261..	Mr. Goodelle — Relative to criminal prosecutions.
36..	43..	419..	352..	Mr. Nichols — Relative to soldiers and sailors' homes.
37..	49..	426..	364..	Mr. Marks — To amend article 1, section 7, relating to taking private property for public use.
38..	56..	433..	207..	Mr. Hawley — To amend article 8, section 6, in respect to banks.
39..	73..	453..	333..	Mr. Cochran — To amend article 11, relative to the militia.
40..	76..	456..	16..	Mr. Marks — To amend article 3, section 6, as to pay of members of the Legislature.
41..	2..	202..	99..	Mr. Roche — Pensions.

Mr. Cookinham moved the previous question.

Mr. President put the question on ordering the previous question, and it was determined in the affirmative.

Mr. President put the question on the resolution of Mr. Cookinham, and it was determined in the affirmative.

The Convention then went into Committee of the Whole, and, after some time spent therein, Mr. Vedder, from said Committee, reported:

The Committee of the Whole have had under consideration the proposed constitutional amendment, printed No. 460, entitled "To amend article 5 of the Constitution," have made some progress in the same, but not having gone through therewith, asked leave to sit again.

Mr. President put the question on granting leave, and it was determined in the affirmative.

On motion of Mr. Root, the time of the session was extended until twelve o'clock.

The Convention then again proceeded in Committee of the Whole, and, after some time spent therein, Mr. Vedder, from said committee, reported:

The Committee of the Whole have had under consideration the proposed constitutional amendment, printed No. 460, entitled "To amend article 5 of the Constitution," have gone through with the same, have made some amendments thereto, and instructed the chairman to report the same to the Convention, and recommend its passage.

Mr. Gilbert moved to disagree with said report, and that said amendment be recommitted to the Committee on Charities, to report the same forthwith, amended as follows:

Add the following after words "the Legislature by general laws." The provisions of this Constitution shall be subject to the following section:

Sec. —. After the first day of January, nineteen hundred and five, no money shall ever be taken from the public treasury, directly or indirectly, in aid of any church, sect or religious denomination, or in aid of any sectarian institution.

Mr. Hawley moved the previous question.

Mr. President put the question on ordering the previous question, and it was determined in the affirmative.

Mr. President put the question on the motion of Mr. Gilbert, and it was determined in the negative.

Ayes — Messrs. Allaben, Barnum, Brown, E. A.; Carter, Clark, G. W.; Clark, H. A.; Coleman, Cookinham, Cornwell, Countryman, Crosby, Durfee, Forbes, Frank, Augustus; Fuller, O. A., Gilbert, Hill, Johnson, I. Sam; Lester, Lewis, M. E.; Mantanye, McMillan, Moore, Parker, Redman, Springweiler, Steele, A. B.; Steele, W. H.; Woodward — 29.

Noes — Messrs. Acker, Ackerly, Arnold, Baker, Banks, Barhite, Barrow, Blake, Bowers, Burr, Cady, Cassidy, Chipp, Jr.; Church, Cochran, Danforth, Deady, Dean, Deyo, Dickey, Doty, Durnin, Emmet, Faber, Farrell, Floyd, Foote, Francis, Fuller, C. A.; Galinger, Gibney, Giegerich, Gilleran, Goeller, Goodelle, Green, J. I.; Griswold; Hamlin, Hawley, Hecker, Hedges, Hirschberg, M. H.; Holcomb, Holls, Hotchkiss, Hottenroth, Jenks, John-

son, J.; Kinkel, Lauterbach, Lewis, C. H.; Marks, Marshall, Maybee, McClure, McCurdy, McDonough, McKinstry, McLaughlin, C. B.; Mereness, Meyenborg, Morton, Mulqueen, Nichols, W. H.; Nostrand, Ohmeis, Osborn, Pashley, Peck, Platzek, Powell, Pratt, Putnam, Roche, Root, Schumaker, Smith, Sullivan, T. A.; Sullivan, W.; Tekulsky, Titus, Towns, Tucker, Turner, Vedder, Veeder, Wellington, Whitmyer, Wiggins, Williams, President — 91.

Mr. President put the question on the adoption of said report of the Committee of the Whole, and it was determined in the affirmative.

And said amendment, as amended, was referred to the Committee on Revision and Engrossment, and ordered to a third reading.

Mr. Root, from the Committee on Rules, reported the following time limit, in Committee of the Whole, for the consideration of the General Orders mentioned:

G. O. 78.—To amend article 8, by addition of new section. (Cities.) Thirty minutes.

G. O. 55.—To amend article 14 of the Constitution. Thirty minutes.

G. O. 12.—Relating to future amendments. Fifteen minutes.

G. O. 26.—Relating to civil service. One hour.

G. O. 42.—Relating to drainage of agricultural lands. Thirty minutes.

The Convention then went into Committee of the Whole, and, after some time spent therein, Mr. M. Hirschberg, from said committee, reported:

The Committee of the Whole have had under consideration the proposed constitutional amendment, printed No. 464, entitled "To amend article 8 of the Constitution, by the addition of a new section," have gone through with the same, have made no amendment thereto, and instructed the chairman to report the same to the Convention, and recommend its passage.

Mr. Banks moved to disagree with the report, and that said amendment be recommitted to the Committee on Cities, with instructions to report forthwith, amended as follows:

"All certificates of indebtedness or revenue bonds issued in anticipation of the collection of taxes, which are not, by their terms, to be paid within five years after their date of issue, and

bonds issued to provide for the supply of water, and any debt hereafter incurred by any portion or part of a city (if there shall be any such debt) shall be included in ascertaining the right of the city to become otherwise indebted. Whenever hereafter the boundaries of any city shall become the same as those of a county the power of the county to become indebted shall cease, but the debt of the county at that time existing shall not be included as a part of the city debt."

Mr. President put the question on the motion of Mr. Banks, and it was determined in the affirmative.

Mr. President put the question on the adoption of the report of the Committee of the Whole, as amended, and it was determined in the affirmative, and said proposed constitutional amendment, as amended, was referred to the Committee on Revision and Engrossment and ordered to a third reading.

Mr. Foote, from the Committee on Revision and Engrossment, to which was referred the proposed constitutional amendment introduced by the Committee on Canals, introductory No. 387, reported by the Committee on Canals, and by the Committee of the Whole, entitled "Proposed constitutional amendment to amend section 6 of article 7, relating to canals," reports the same as examined and corrected and as correctly engrossed.

Mr. Foote, from the Committee on Revision and Engrossment, to which was referred the proposed constitutional amendment introduced by Mr. Cassidy, introductory No. 252, reported by the Committees on Canals and State Finances and Taxation, and by the Committee of the Whole, entitled "Proposed constitutional amendment to amend sections 1, 2, 4 and 5, of article 7 of the Constitution, in relation to the canal debts and the maintenance of the canals," reports the same as examined and corrected and as correctly engrossed.

Mr. Foote, from the Committee on Revision and Engrossment, to which was referred the proposed constitutional amendment introduced by the Committee on Charities, introductory No. 392, reported by the Committee on Charities and by the Committee of the Whole, entitled "Proposed constitutional amendment to amend article 5 of the Constitution," reports the same as examined and corrected and as correctly engrossed.

The Convention then went into Committee of the Whole, and, after some time spent therein, Mr. De L. Nicoll, from said committee, reported:

The Committee of the Whole have had under consideration the proposed constitutional amendment, printed No. 432, entitled "To amend article 14 of the Constitution," have gone through with the same, have made no amendment thereto, and instructed the chairman to report the same to the Convention, and recommend its passage.

Mr. President put the question on the adoption of said report, and it was determined in the affirmative, and said amendment was referred to the Committee on Revision and Engrossment and ordered to a third reading.

The Convention again went into Committee of the Whole, and, after some time spent therein, Mr. Jenks, from said committee, reported:

The Committee of the Whole have had under consideration the proposed constitutional amendment, printed No. 436, entitled "To amend article 13 of the Constitution, relating to further amendments," have made some progress in the same, but not having gone through therewith, have instructed the chairman to report that fact to the Convention, and ask leave to sit again.

Mr. President put the question on granting leave to sit again, and Mr. Morton and Mr. Deady were appointed tellers, and announced the following vote: Ayes, 56; noes, 30; and the motion was declared carried.

On motion of Mr. Goodelle, the Convention adjourned.

Saturday, September 15, 1894.

The Convention met pursuant to adjournment.

Prayer by Rev. A. K. Duff.

On motion of Mr. E. A. Brown, the reading of the Journal of Friday, September fourteenth, was dispensed with.

The last Record appearing upon the files of members to-day is of date, August twenty-seventh.

Mr. Lyon, from the Committee on Privileges and Elections and Contingent Expenses, to which, jointly, was referred the annexed claim of Kiendl Bros., for counsel fee and disbursements as attorneys for Messrs. Kinkel, Pashley, Nostrand, Deterling and Kurth, contestants for seats from the Sixth Senatorial District, being for \$6,000 counsel fee and \$542.25 disbursements, would respectfully report that, in the opinion of said committees, a total counsel fee of \$1,500, with said disbursements of \$542.25, aggregating \$2,042.25, would be fair and reasonable in the premises.

M. H. HIRSCHBERG,

Chairman Committee on Privileges and Elections.

GEORGE F. LYON,

Chairman Committee on Contingent Expenses.

On motion of Mr. Cookinham, said report was laid upon the table.

Mr. Lyon also reported as follows:

The Committees on Privileges and Elections and Contingent Expenses, to which, jointly, was referred the annexed claim of Herman W. Trapper, for counsel fee and disbursements, aggregating \$1,704, incurred in obtaining and endeavoring to maintain a writ of prohibition against the Convention, would respectfully report that, in the opinion of said committees, said counsel fee and disbursements having been incurred solely in connection with the writ of prohibition, and no part thereof in the contest upon the merits as to the rights of the contesting parties to the seat, ought not to be allowed.

M. H. HIRSCHBERG,

Chairman Committee on Privileges and Elections.

GEORGE F. LYON,

Chairman Committee on Contingent Expenses.

On motion of Mr. Cookinham, said report was laid upon the table.

Mr. Cookinham moved that the Convention go into Committee of the Whole on General Order No. 26, printed No. 393, entitled "To amend the Constitution, relative to civil service of the State and cities."

Mr. President put the question on said motion, and it was determined in the affirmative.

The Convention then went into Committee of the Whole, and, after some time spent therein, Mr. McClure, from said committee, reported:

The Committee of the Whole have had under consideration the proposed constitutional amendment, printed No. 393, entitled "To amend the Constitution, relative to civil service of the State and cities," have gone through with the same, have made some amendments thereto, and instructed the chairman to report the same to the Convention and recommend its passage.

Mr. President put the question on the adoption of said report, and Messrs. Durfee and Kimmey were appointed tellers, and announced the following vote: Ayes, 69; noes, 22; and the report was agreed to and said amendment was referred to the Committee on Revision and Engrossment and ordered to a third reading.

Mr. Parker moved that the Convention go into Committee of the Whole on General Order No. 42, printed No. 417, entitled "Proposed constitutional amendment to amend section 7 of article 1 of the Constitution, so as to include therein the right to construct and maintain necessary drains and ditches for agricultural purposes across the lands of others, and it was determined in the affirmative. And the Convention went into Committee of the Whole, and, after some time spent therein, Mr. Osborn, from said committee, reported:

The Committee of the Whole have had under consideration the proposed constitutional amendment, printed No. 417, entitled "To amend section 7 of article 1 of the Constitution, so as to include therein the right to construct and maintain necessary drains and ditches for agricultural purposes across the lands of others," have gone through with the same, have made no amendment thereto, and instructed the chairman to report the same to the Convention and recommend its passage.

The question being on the adoption of said report, Mr. E. R. Brown moved the previous question.

Mr. President put the question on ordering the previous question, and it was determined in the affirmative.

Mr. President put the question on the adoption of said report, and it was determined in the affirmative, and said amendment was referred to the Committee on Revision and Engrossment and ordered to a third reading.

Mr. President presented a communication from the Compiler in words following:

To the Constitutional Convention:

Gentlemen.—Pursuant to the resolution of your honorable body, the Compiler respectfully submits the following report:

In ordering and directing the printing for the Convention your resolution, of date June thirteenth, page 227 of the Journal, has been carefully followed. This resolution provides, among other things, that “if the total copy delivered to the printer in any one day exceed fifty printed pages, no more than that number of pages shall be governed by the rule hereby established, and the matter to be so governed shall be specifically designated by the Secretary or Compiler. The Compiler or Secretary may enlarge the time herein fixed, by specific direction, given in writing at the time any copy is delivered to the printer.”

The total copy delivered to the printer nearly every day since July thirty-first has been much in excess of the specified fifty pages, of which total the Argus Company has printed an average of sixty pages daily, thus more than complying with the conditions of your resolution.

The proposed amendments, calendar, documents, Journal, and other printing designated by the Secretary to be delivered at once, have been given precedence over the debates, the printing of which has been thus delayed.

Respectfully submitted.

GEORGE A. GLYNN,

Compiler.

The proposed constitutional amendment, printed No. 439, in words following:

PROPOSED CONSTITUTIONAL AMENDMENT

To Amend Article Nine of the Constitution, Relating to Free Common Schools.

The Delegates of the People of the State of New York, in Convention assembled, do propose as follows :

ARTICLE IX.

Section 1. The Legislature shall provide for the maintenance and support of a system of free common schools, wherein all the children of this State may be educated.

Sec. 2. The corporation created in the year one thousand seven hundred and eighty-four, under the name of the Regents of the University of the State of New York, is hereby continued under the name of the University of the State of New York. It shall be governed and its corporate powers, which may be increased, modified or diminished by the Legislature, shall be exercised by not less than nine regents.

Sec. 3. The capital of the common school fund, the capital of the literature fund, and the capital of the United States deposit fund, shall be respectively preserved inviolate. The revenue of the said common school fund shall be applied to the support of common schools; the revenue of the said literature fund shall be applied to the support of academies; and the sum of twenty-five thousand dollars of the revenues of the United States deposit fund shall each year be appropriated to and made part of the capital of the said common school fund.

Sec. 4. Neither the State nor any subdivision thereof, shall use its property or credit or any public money, or authorize or permit either to be used, directly or indirectly, in aid or maintenance, other than for examination or inspection, of any school or institution of learning, wholly or in part under the control or direction of any religious denomination, or in which any denominational tenet or doctrine is taught.

Being announced for third reading, Mr. Peck moved to recommend said proposed constitutional amendment to the Committee on Education, with instructions to report forthwith amended as follows:

Add to section 4:

"This section shall not prevent the Legislature from making provision for the secular education of the blind, the deaf and dumb, juvenile delinquents, orphans and other dependent or legally committed children, inmates of charitable institutions, by the employment of persons duly qualified, according to law as teachers of public schools, to give instruction in such institutions during usual school hours."

Mr President put the question on the motion of Mr. Peck, and it was determined in the negative.

Mr. Foote moved to further amend said instructions as follows: Amend section 4 so as to read as follows:

"Sec. 4. Neither the State nor any subdivision thereof, shall use its property or credit or any public money, or authorize or permit either to be used, directly or indirectly, in aid or maintenance, other than for examination or inspection, of any school or institution of learning, not wholly owned or controlled by the State or a civil division thereof.

"No creed, doctrine or tenet of any religious sect or denomination shall be taught in schools or institutions of learning, receiving such maintenance or aid."

Pending the question on the motion of Mr. Foote, Mr. E. R. Brown offered a resolution in words following:

"Resolved, That the Committee on Rules report a modification of Rules 35, 36, 37, 38 and 39, so as to permit General Orders Nos. 67, 26 and 42 to be read a third time to-day without being printed, and without debate, and to permit all other amendments on the order of third reading."

Mr. President put the question whether the Convention would entertain the motion of Mr. Brown at this time, and it was determined in the affirmative.

Mr. President put the question on the motion of Mr. Brown, and Messrs. McDonough and Cochran were appointed tellers, and announced the following vote: Ayes, 46; noes, 58. And the motion was declared lost.

Mr. McIntyre then moved to further instruct the Committee on Education to amend said proposed constitutional amendment as follows: "Strike out the second section."

Mr. Moore moved to further instruct said committee to report the following substitute therefor:

ARTICLE IX.

Section 1. The Legislature shall provide for the maintenance and support of a system of free common schools, for secondary and for higher education, wherein all the children of school age, and such others as may be provided by law, may be admitted and educated.

Sec. 2. The corporation created in seventeen hundred and eighty-four, under the name of the Regents of the University of the State of New York, is hereby abolished; but there shall be a board of education for the whole State, which shall be known as the State Board of Education, consisting of nine members, one of whom shall be the Superintendent of Public Instruction, ex officio, and the others shall be elected one for each of the present judicial districts in the State, chosen one in each district by the electors thereof. They shall hold office for four years from and after the first day of January after the adoption of this article; and serve without pay, except that said Superintendent of Public Instruction shall be paid as provided by law. All the powers and duties of the said Board of Regents of the University of the State of New York and of the Department of Public Instruction, shall devolve upon said State Board of Education. The said Superintendent of Public Instruction shall be, ex officio, the presiding officer of said board.

The Legislature shall pass such laws as are necessary to carry this amendment into effect.

Sec. 3. The common school fund, the capital of the literature fund, and the capital of the United States deposit fund, shall be respectively preserved inviolate. The revenue of the said common school fund shall be applied to the support of common schools; the revenue of the said literature fund shall be applied to the support of academies, and the sum of twenty-five thousand dollars of the revenues of the United States deposit fund shall each year, be appropriated to, and made part of, the capital of the said common school fund.

Sec. 4. Neither the State nor any subdivision thereof shall use its property or credit or any public money, or authorize or permit either to be used, directly or indirectly, in aid or maintenance, other than for examination or inspection, of any school

or institution of learning not wholly owned or controlled by the State, or a subdivision thereof.

No creed, doctrine or tenet of any religious sect or denomination shall be taught in schools or institutions of learning receiving such maintenance or aid.

Mr. Cassidy moved to further instruct said committee to amend as follows:

Add as section 5:

"No local board of education shall employ any school teacher who espouses any religious sect, nor shall any teacher who is employed appear in the garb of a nun, the cassock of a priest, the close-buttoned coat of an Episcopal rector, the white necktie of a Methodist minister, the stern countenance of a Presbyterian, or the lank figure of a Baptist, nor in the severe simplicity of a Shaker, or the drab materials affected by the Society of Friends. To avoid all appearance, and even suspicion, of sectarianism or sanctity on the part of public school teachers, the following uniform is prescribed:

"For male teachers, the zouave dress adopted by Col. Billy Wilson's noble regiment in the War for the Union. For female teachers, the latest bicycle costume imported from Paris."

Mr. W. Sullivan moved that the committee be further instructed to amend as follows:

Strike out all the words of section 4 after the word "denomination," on line 15, and insert in lieu thereof the words "or in which any religious doctrine or tenet, whether denominational or undenominational, is taught, or religious service or exercise, whether distinctively denominational or not, is conducted;" so that section 4 as so amended shall read as follows:

"Neither the State nor any subdivision thereof, shall use it property or credit or any public money, or authorize or permit either to be used, directly or indirectly, in aid or maintenance, other than for examination or inspection, of any school or institution of learning, wholly or in part under the control or direction of any religious denomination, or in which any religious doctrine or tenet, whether denominational or undenominational, is taught, or religious service or exercise, whether distinctively denominational or not, is conducted."

Mr. President put the question on the motion of Mr. W. Sullivan, and it was determined in the negative.

Mr. President put the question on Mr. Cassidy's motion, and it was determined in the negative.

Mr. President put the question on Mr. Forbes' motion, and Messrs. McDonough and Countryman were appointed tellers, and announced the following vote: Ayes, 44; noes, 52, and the motion was declared lost.

Mr. President put the question on the motion of Mr. Peck, and it was determined in the negative.

Mr. President put the question on the motion of Mr. McIntyre, and it was determined in the negative.

Mr. President put the question on the motion of Mr. Moore, and it was determined in the negative.

Mr. Lauterbach then moved that the session be extended until printed No. 439, relating to free common schools, and printed No. 460, to amend article 5 of the Constitution, relating to charities, are disposed of.

Mr. President put the question on the motion of Mr. Lauterbach, and Messrs. Wiggins and Parmenter were appointed tellers, and announced the following vote: Ayes 77; noes 34, and the motion was declared carried.

Said proposed constitutional amendment, printed No. 439, in words following:

PROPOSED CONSTITUTIONAL AMENDMENT

To Amend Article Nine of the Constitution, Relating to Free Common Schools.

The Delegates of the People of the State of New York, in Convention assembled, do propose as follows:

ARTICLE IX.

Section 1. The Legislature shall provide for the maintenance and support of a system of free common schools, wherein all the children of this State may be educated.

Sec. 2. The corporation created in the year one thousand seven hundred and eighty-four, under the name of the Regents of the University of the State of New York, is hereby continued under the name of the University of the State of New York. It shall be governed and its corporate powers, which may be

increased, modified or diminished by the Legislature, shall be exercised by not less than nine regents.

Sec. 3. The capital of the common school fund, the capital of the literature fund, and the capital of the United States deposit fund, shall be respectively preserved inviolate. The revenue of the said common school fund shall be applied to the support of common schools; the revenue of the said literature fund shall be applied to the support of academies; and the sum of twenty-five thousand dollars of the revenues of the United States deposit fund shall each year be appropriated to and made part of the capital of the said common school fund.

Sec. 4. Neither the State nor any subdivision thereof, shall use its property or credit or any public money, or authorize or permit either to be used, directly or indirectly, in aid or maintenance, other than for examination or inspection, of any school or institution of learning, wholly or in part under the control or direction of any religious denomination, or in which any denominational tenet or doctrine is taught.

Was then read the third time and passed, a majority of all the Delegates elected to the Convention voting in favor thereof.

Ayes — Messrs. Abbott, Acker, Ackerly, Allaben, Baker, Banks, Barrow, Becker, Blake, Brown, E. A.; Brown, E. R.; Cady, Church, Clark, H. A.; Cochran, Cookinham, Cornwell, Countryman, Crosby, Davenport, Davies, J. C.; Davis, G. A.; Deady, Dickey, Doty, Durfee, Durnin, Emmet, Faber, Floyd, Foote, Francis, Frank, Andrew; Frank, Augustus; Fraser, Fuller, C. A.; Fuller, O. A.; Galinger, Gibney, Giegerich, Gilbert, Goeller, Goodelle, Green, A. H.; Green, J. I.; Griswold, Hamlin, Hawley, Hecker, Hedges, Hill, Hirschberg, M. H.; Holls, Jenks, Johnson, J.; Kellogg, Kerwin, Kimmey, Kinkel, Kurth, Lauterbach, Lester, Lewis, C. H.; Lincoln, Lyon, Manley, Mantanye, Marshall, McClure, McIntyre, McLaughlin, C. B.; McMillan, Mereness, Morton, Nichols, W. H.; Nicoll, De L.; Nostrand, O'Brien, Ohmeis, Osborn, Parker, Parkhurst, Pashley, Phipps, Platzek, Powell, Pratt, Putnam, Roche, Root, Sandford, Schumaker, Steele, A. B.; Steele, W. H.; Storm, Sullivan, T. A.; Sullivan, W.; Tekulsky, Tibbetts, Towns, Vedder, Vogt, Wellington, Whitmyer, Wiggins, Williams, Woodward, President — 108.

Noes — Messrs. Barhite, Barnum, Bigelow, Bowers, Burr, Campbell, Carter, Cassidy, Chipp, Jr.; Clark, G. W.; Coleman, Dean,

Deterling, Farrell, Forbes, Gilleran, Holcomb, Hotchkiss, Hottenroth, Johnson, I. Sam; Lewis, M. E.; Marks, McDonough, McKinstry, McLaughlin, J. W.; Moore, Parmenter, Peabody, Peck, Rogers, Smith, Speer, Springweiler, Titus, Truax, C. H.; Turner, Veeder — 37.

Mr. Foote, from the Committee on Revision and Engrossment, to which was referred the proposed constitutional amendment introduced by the Committee on Cities, introductory No. 394, reported by the Committee on Cities, and by the Committee of the Whole, entitled "Proposed constitutional amendment to amend article 8 of the Constitution, by the addition of a new section," reports the same as examined and corrected and as correctly engrossed, and presents also a special report herewith.

Mr. Foote, from the Committee on Revision and Engrossment, to which was referred the proposed constitutional amendment introduced by Mr. C. H. Truax, introductory No. 256, reported by the Committee on Constitutional Amendments, and by the Committee of the Whole, entitled "Proposed constitutional amendment to amend article 14 of the Constitution," reports the same as examined and corrected and as correctly engrossed.

Mr. J. I. Greene presented the bill of James A. Taylor and George W. Glendenning, for services in the matter of the contested seats of James A. Riggs, Eugene A. Curran, George W. Roderick, Wm. M. Mullen and Thomas W. Fitzgerald.

Referred to the Committee on Contingent Expenses.

The proposed constitutional amendment, printed No. 460, in words following :

PROPOSED CONSTITUTIONAL AMENDMENT

To Amend Article Five of the Constitution.

The Delegates of the People of the State of New York, in Convention assembled, do propose as follows :

To article 5 of the Constitution add the following sections:

Sec. —. The Legislature shall provide for a State board of charities, which shall visit and inspect all institutions, whether State, county, municipal, incorporated or not incorporated, which are of a charitable, eleemosynary, correctional or reformatory character, excepting only such institutions as are hereby made

subject to the visitation and inspection of either of the commissions, hereinafter mentioned, but including all reformatories except those in which adult males convicted of felony shall be confined; a State commission in lunacy, which shall visit and inspect all institutions, either public or private, used for the care and treatment of the insane (not including institutions for epileptics or idiots); a State Commission of Prisons which shall visit and inspect all institutions used for the detention of sane adults charged with, or convicted of, crime, or detained as witnesses or debtors.

Sec. —. The members of the said board and of the said commissions shall be appointed by the Governor, by and with the advice and consent of the Senate; and any member may be removed from office by the Governor for cause, an opportunity having been given him to be heard in his defense.

Sec. —. Existing laws relating to institutions referred to in the foregoing sections and to their supervision and inspection, in so far as such laws are not inconsistent with the provisions of the Constitution, shall remain in force until amended or repealed by the Legislature. The visitation and inspection herein provided for shall not be exclusive of other visitation and inspection now authorized by law. Nothing in this Constitution contained shall prevent the Legislature from making such provision for the education and support of the blind, the deaf and dumb and juvenile delinquents, as it may seem proper, or prevent any county, city, town or village from providing for the care, support, maintenance and secular education of inmates of orphan asylums, home for dependent children or correctional institutions, whether under public or private control. Payments by counties, cities, towns and villages to charitable eleemosynary, correctional and reformatory institutions, wholly or partly under private control, for care, support and maintenance, may be authorized, but shall not be required by the Legislature. No such payments shall be made for any inmate of such institutions who is not received and retained therein pursuant to rules established by the State Board of Charities. Such rules shall be subject to the control of the Legislature by general laws.

Sec. —. Commissioners of the State Board of Charities and commissioners of the State Commission of Lunacy, now holding office, shall be continued in office for the term for which they were appointed, respectively, unless the Legislature shall other-

wise provide. The Legislature may confer upon the commissions and upon the board created by the foregoing sections any additional powers that are not inconsistent with other provisions of the Constitution.

Was read the third time and passed, a majority of all the Delegates elected to the Convention voting in favor thereof.

Ayes — Messrs. Abbott, Acker, Allaben, Arnold, Banks, Barhite, Barrow, Becker, Bigelow, Blake, Brown, E. A.; Brown, E. R.; Cady, Campbell, Church, Cochran, Countryman, Crosby, Davenport, Davies, J. C.; Deady, Deterling, Deyo, Dickey, Durnin, Emmet, Faber, Farrell, Floyd, Foote, Francis, Frank, Augustus; Fraser, Fuller, C. A.; Fuller, O. A.; Galinger, Gibney, Giegerich, Goeller, Goodelle, Green, A. H.; Green, J. I.; Griswold, Hamlin, Hawley, Hecker, Hedges, Hill, Hirschberg, M. H.; Holls, Hottenroth, Jenks, Johnson, J.; Kerwin, Kimmey, Kinkel, Kurth, Lauterbach, Lester, Lewis, C. H.; Lewis, M. E.; Lincoln, Lyon, Manley, Marks, Marshall, McClure, McDonough, McIntyre, McKinsty, McLaughlin, C. B.; McLaughlin, J. W.; McMillan, Meyenborg, Morton, Nichols, W. H.; Nicoll, De L.; Nostrand, O'Brien, Ohmeis, Osborn, Parker, Parkhurst, Pashley, Peabody, Peck, Phipps, Platzek, Porter, Powell, Pratt, Putnam, Roche, Rogers, Root, Sandford, Smith, Springweiler, Storm, Sullivan, T. A.; Sullivan, W.; Tekulsky, Titus, Towns, Truax, C. H.; Vedder, Veeder, Vogt, Wellington, Whitmyer, Wiggins, Williams, Woodward, President — 114.

Noes — Messrs. Baker, Barnum, Bowers, Bush, Carter, Chipp, Jr.; Clark, G. W.; Cookinham, Cornwell, Dean, Forbes, Gilbert, Gilleran, Johnson, I. Sam; Mereness, Steele, A. B.; Steele, W. H.— 17.

Mr. Root offered a resolution in words following :

Resolved, That the Committee on Revision and Engrossment be instructed to accurately enroll and engross or print, the present State Constitution, with all amendments thereto heretofore adopted, properly inserted, and report the same to the Convention on Thursday next.

Mr. President put the question on said resolution, and it was determined in the affirmative.

Mr. I. S. Johnson offered a resolution in words following :

Resolved, That when this Convention assembles on Thursday next, it proceed with the business of General Orders for one

week, unless all amendments on General Orders be sooner acted upon.

Mr. Veeder moved to lay the motion of Mr. I. S. Johnson on the table.

Mr. President put the question on the motion to lay on the table, and it was determined in the affirmative.

On motion of Mr. Cookinham, at 12.53, the Convention adjourned.

Thursday, September 20, 1894.

The Convention met pursuant to adjournment.

Prayer by Rev. A. K. Duff.

On motion of Mr. O'Brien, the reading of the Journal of Saturday, September fifteenth, was dispensed with.

The last Record appearing on the files of members to-day is of date August twenty-ninth.

By vote of the Convention, the following members were excused from attendance, as follows: Mr. Lester, September fifteenth and twentieth; Mr. McArthur, September twentieth; Mr. Sandford, indefinitely; Mr. Kerwin, September twentieth; Mr. Doty, September twentieth; Mr. Kimmey, indefinitely; Mr. Giegerich, September twentieth; Mr. Meyenborg, indefinitely.

Mr. President directed the Secretary to call the roll to ascertain the presence of a quorum, when the following delegates answered to the call of their names:

Messrs. Abbott, Acker, Banks, Barhite, Barrow, Bigelow, Bowers, Brown, E. A.; Burr, Cady, Carter, Cassidy, Chipp, Jr.; Church, Clark, G. W.; Clark, H. A.; Coleman, Cookinham, Crosby, Davenport, Davis, G. A.; Deady, Dean, Deterling, Deyo, Dickey, Durnin, Emmet, Faber, Fitzgerald, Floyd, Foote, Forbes, Francis, Fuller, O. A.; Fuller, O. A.; Gilbert, Goeller, Goodelle, Green, A. H.; Green, J. L.; Griswold, Hawley, Hedges, Holls, Hotchkiss, Hottenroth, Jacobs, Jenks, Johnson, I. Sam; Lewis, C. H.; Lincoln, Manley, Mantanye, Marshall, Maybee, McClure, McCurdy, McDonough, McIntyre, McKistry, McLaughlin, C. B.; McLaughlin, J. W.; McMillan, Moore, Morton, Nichols, W. H.; Nicoll, De L.; O'Brien, Parmenter, Peabody, Peck, Platzek, Pool, Porter, Powell,

Redman, Roche, Rogers, Root, Schumaker, Speer, Spencer, Springer, Steele, A. B.; Steele, W. H.; Storm, Sullivan, T. A.; Tibbetts, Truax, C. H.; Tucker, Turner, Vedder, Veeder, Wellington, Whitmyer, Williams, Woodward, President.

Mr. Dean desired to introduce a resolution relating to the action taken by the Republican State convention just held on some of the measures before this Convention.

Mr. President put the question whether the Convention would receive the resolution offered by Mr. Dean, and it was decided in the negative.

The Convention then proceeded in Committee of the Whole, and, after some time spent therein, Mr. Jenks, from said committee, reported:

The Committee of the Whole have had under consideration the proposed constitutional amendment, printed No. 436, entitled "Proposed constitutional amendment to amend article 13, relating to future amendments," have gone through with the same, have made some amendments thereto, and instructed the chairman to report the same to the Convention, and recommend its passage.

Mr. President put the question on the adoption of said report, and it was determined in the affirmative, and said amendment was referred to the Committee on Revision and Engrossment and ordered to a third reading.

Mr. Foote, from the Committee on Revision and Engrossment, presented the following report:

To the Convention:

Pursuant to the resolution adopted September fifteenth, your Committee on Revision and Engrossment presents herewith, in print, as Convention document No. 71, a draft of a Revised Constitution, embodying the present Constitution, except such parts as are obsolete, with all amendments adopted by the Convention, which are accessible to us, inserted in their proper place.

The committee were unable to obtain an authentic copy of the charities article, adopted by the Convention on Saturday, the fifteenth instant, at the close of its last session, and hence were not able to insert that article.

We submit herewith two schedules, one showing the sections of the Revised Constitution as prepared by us, with a reference opposite each section to the sources from which it is derived, whether

from the present Constitution or from the work of this Convention; another showing the sections of the present Constitution and the disposition of each section in the Revised Constitution, or if any section or part of a section has been omitted by the committee as obsolete, attention is called to the fact by the statement "amended on revision" or "omitted as obsolete," or otherwise. All sections which the committee found it necessary to change in order to present a revised Constitution are referred to as "amended on revision."

The committee have transferred a few sections from the articles in which they are found in the present Constitution in order to bring in to the same article, as far as possible, sections relating to the same subject, or which, in the opinion of the committee, should be included in the same article.

In order to facilitate its work the committee found it convenient to number the sections of the draft of the Revised Constitution consecutively from the first to the last section, preserving, however, the present division of the Constitution into articles. The committee have not determined, however, whether to recommend that this plan of numbering the sections be adopted by the Convention, but for convenience of reference and examination the committee have reported the Revised Constitution with the sections consecutively numbered.

In order to prevent the possibility of the increase in the number of justices of the Supreme Court in the first and second judicial districts, provided for in article 6, being held to be additional to the increase provided for in the proposed constitutional amendments which have been agreed to by the Legislature and which are to be submitted to the people at the same election with the Revised Constitution, the committee have prepared section number one hundred and forty-five and recommend its adoption by the Convention.

The last sentence of section ninety-seven as printed in the Revised Constitution, should be stricken out, as no canal debt now exists.

Dated Albany, N. Y., September 19, 1894.

NATHANIEL FOOTE,
Chairman.

The Convention went into Committee of the Whole, and, after some time spent therein, Mr. Banks, from said committee, reported in words following :

The Committee of the Whole have had under consideration the proposed constitutional amendment, printed No. 434, entitled "Proposed constitutional amendment to amend section 7 of article 8 of the Constitution, relative to the liability of the stockholders of banking corporations," have gone through with the same, have made no amendment thereto, and instructed the chairman to report the same to the Convention, and recommend its passage.

Mr. President put the question on the adoption of said report, and Messrs. Manley and Rogers were appointed as tellers, and announced the following vote : Ayes, 63; noes, 28, and the motion was declared carried.

And said amendment was referred to the Committee on Revision and Engrossment and ordered to a third reading.

Mr. Cookinham moved that the Convention now take up the order of business, third reading.

Mr. President put the question on said motion, and Messrs. Manley and Rogers were appointed as tellers, and announced the following vote: Ayes, 68; noes, 28, and the motion was declared carried.

On motion of Mr. Manley, the privileges of the floor were extended to the Hon. Richard C. McCormick.

Mr. Foote, from the Committee on Revision and Engrossment, to which was referred the proposed constitutional amendment introduced by Mr. H. A. Clark, introductory No. 206, reported by the Committee on Civil Service, and by the Committee of the Whole, entitled "Proposed constitutional amendment to amend the Constitution, relative to civil service of the State and cities," reports the same as examined and corrected and as correctly engrossed.

Mr. Foote, from the Committee on Revision and Engrossment, to which was referred the proposed constitutional amendment introduced by Mr. Parker, introductory No. 327, reported by the Committee on Preamble and Bill of Rights, and by the Committee of the Whole, entitled "Proposed constitutional amendment to amend section 7 of article 1 of the Constitution, so as to include therein the right to construct and maintain necessary drains and ditches for agricultural purposes across the lands of others,"

reports the same as examined and corrected and as correctly engrossed.

Second Vice-President, Mr. W. H. Steele, in the chair.

The proposed constitutional amendment, printed No. 431, in words following:

PROPOSED CONSTITUTIONAL AMENDMENT

To Amend Section Six of Article Seven, Relating to Canals.

The Delegates of the People of the State of New York, in Convention assembled, do propose as follows:

Section 6 of article 7 of the Constitution of the State of New York, is hereby amended so as to read as follows:

Sec. 2. The Legislature shall not sell, lease or otherwise dispose of the Erie canal, the Oswego canal, the Champlain canal, the Cayuga and Seneca canal, or the Black River canal, but they shall remain the property of the State and under its management forever. The prohibition of lease, sale or other disposition herein contained, shall not apply to the canal known as the Main and Hamburg street canal, situated in the city of Buffalo, and which extends easterly from the westerly line of Main street to the westerly line of Hamburg street. All funds that may be derived from any lease, sale or other disposition of any canal shall be applied to the improvements, superintendence or repairs of the remaining portion of the canals.

Being announced for third reading, Mr. Roche moved to recommit said proposed constitutional amendment to the Committee on Canals, with instructions to report the same forthwith, amended as follows:

Strike out all after the word "over" on line 7, down to and including "street," on line 1, page 2.

Pending the question, the hour of one o'clock having arrived, the Convention took a recess until three o'clock.

AFTERNOON SESSION.

Three o'clock P. M.

The Convention again met.

Second Vice-President, Mr. W. H. Steele, in the chair.

Mr. President directed the Secretary to call the roll to ascertain the presence of a quorum, when the following Delegates answered to the call of their names :

Messrs. Abbott, Acker, Arnold, Baker, Barhite, Barnum, Barrow, Bigelow, Blake, Bowers, Burr, Cady, Carter, Cassidy, Chipp, Jr., Church, Clark, G. W.; Cochran, Coleman, Cookinham, Cornwell, Countryman, Crosby, Davenport, Deady, Dean, Deyo, Dickey, Durfee, Durnin, Faber, Floyd, Forbes, Francis, Frank, Andrew; Fraser, Fuller, C. A.; Fuller, O. A.; Galinger, Gibney, Gilleran, Goeller, Green, A. H.; Griswold, Hamlin, Hawley, Hecker, Hedges, Hirschberg, M. H.; Holcomb, Hotchkiss, Hottenroth, Jacobs, Jenks, Johnson, I. Sam; Kellogg, Kurth, Lester, Lincoln, Mantanye, Marshall, Maybee, McCurdy, McDonough, McIntyre, McKinstry, McLaughlin, C. B.; McLaughlin, J. W.; McMillan, Moore, Morton, Nicoll, De L.; O'Brien, Ohmeis, Osborn, Parker, Parkhurst, Parmenter, Peck, Platzek, Pool, Powell, Pratt, Putnam, Redman, Roche, Rogers, Schumaker, Spencer, Springweiler, Steele, W. H.; Storm, Sullivan, T. A.; Sullivan, W.; Tekulsky, Towns, Truax, C. H.; Truax, C. S.; Tucker, Veeder, Vogt, Wellington, Whitmyer, Wiggins, Williams, Woodward, President.

Mr. President stated the pending question, at the hour of adjournment, to be upon the motion of Mr. Roche to recommit the proposed constitutional amendment to the Committee on Canals, with instructions to report said amendment forthwith, amended as follows:

Strike out all after the word "ever," on line 7, down to and including "street" on line 1, page 2.

Mr. President put the question on the motion of Mr. Roche, and it was determined in the negative.

Said proposed constitutional amendment, in words following:

PROPOSED CONSTITUTIONAL AMENDMENT

To Amend Section Six of Article Seven, Relating to Canals.

The Delegates of the People of the State of New York, in Convention assembled, do propose as follows :

Section 6 of article 7 of the Constitution of the State of New York, is hereby amended so as to read as follows :

Sec. 2. The Legislature shall not sell, lease or otherwise dispose of the Erie canal, the Oswego canal, the Champlain canal, the Cayuga and Seneca canal, or the Black River canal, but they shall remain the property of the State and under its management forever. The prohibition of lease, sale or other disposition herein contained, shall not apply to the canal known as the Main and Hamburg street canal, situated in the city of Buffalo, and which extends easterly from the westerly line of Main street to the westerly line of Hamburg street. All funds that may be derived from any lease, sale or other disposition of any canal shall be applied to the improvements, superintendence or repairs of the remaining portion of the canals.

Was read the third time and passed, a majority of all the Delegates elected to the Convention voting in favor thereof.

Ayes — Messrs. Abbott, Acker, Ackerly, Arnold, Baker, Banks, Barnum, Barrow, Becker, Bigelow, Blake, Brown, E. R.; Cady, Carter, Cassidy, Church, Clark, G. W.; Clark, H. A.; Cochran, Coleman, Cookinham, Cornwell, Dean, Deterling, Deyo, Dickey, Durfee, Emmet, Faber, Floyd, Foote, Francis, Frank, Andrew; Frank, Augustus; Fraser, Fuller, C. A.; Fuller, O. A.; Galinger, Gibney, Goodelle, Hamlin, Hawley, Hecker, Hedges, Hill, Holls, Hotchkiss, Jenks, Johnson, I. Sam; Johnson, J.; Kellogg, Kinkel, Kurth, Lauterbach, Lester, Lewis, C. H.; Lincoln, Manley, Marshall, Maybee, McIntyre, McKinstry, McMillan, Mereness, Moore, Morton, Nichols, W. H.; Nostrand, O'Brien, Parker, Parkhurst, Parmenter, Pashley, Peck, Platzek, Pool, Porter, Powell, Pratt, Putnam, Redman, Root, Spencer, Springweiller, Steele, A. B.; Steele, W. H.; Storm, Sullivan, T. A.; Sullivan, W.; Tekulsky, Tibbetts, Truax, C. S.; Turner, Vogt, Wellington, Whitmyer, Wiggins, Woodward, President — 99.

Noes — Messrs. Barhite, Bowers, Burr, Davenport, Deady, Durnin, Farrell, Gilleran, Goeller, Green, A. H.; Griswold, Hol-

comb, Hottenroth, Jacobs, Mantanye, McClure, McCurdy, McDonough, McLaughlin, C. B.; McLaughlin, J. W.; Nicoll, De L.; Ohmeis, Roche, Rogers, Schumaker, Towns, Truax, C. H.; Tucker, Veeder — 29.

The proposed constitutional amendment, printed No. 437, in words following:

PROPOSED CONSTITUTIONAL AMENDMENT

To Amend Sections One, Two, Four and Five of Article Seven of the Constitution, in Relation to the Canal Debts and the Maintenance of Canals.

The Delegates of the People of the State of New York, in Convention assembled, do propose as follows:

Sections 1, 2, 4 and 5 of article 7 of the Constitution, are hereby abrogated, and section 3 amended so as to read as follows:

Section 1. No tolls shall hereafter be imposed on persons or property transported on the canals, except that the Legislature may, in its discretion, impose or remove tolls on products of the Dominion of Canada passing through any canal of this State, but all boats navigating the canals and the owners and masters thereof, shall be subject to such laws and regulations as have been or may hereafter be enacted concerning the navigation of the canals. The Legislature shall annually, by equitable taxes, make provision for the expenses of the superintendence and repairs of the canals.

All contracts for work or materials on any canal shall be made with the persons who shall offer to do or provide the same at the lowest price, with adequate security for their performance. No extra compensation shall be made to any contractor; but if, from any unforeseen cause, the terms of any contract shall prove to be unjust and oppressive, the canal board may, upon the application of the contractor, cancel such contract.

Being announced for third reading, Mr. Cady moved that said proposed constitutional amendment be recommitted to the Committee on Canals, with instructions to report the same forthwith, amended as follows:

On page 2, at end of line 2, insert the following: "The canals of the State may be improved in such manner as the Legislature shall provide by law. A debt may be authorized for that purpose

in the mode prescribed by section 8 of this article, or the cost of such improvement may be defrayed by the appropriation of funds from the State treasury, or by equitable annual tax."

Mr. Veeder moved to further instruct said committee to amend as follows:

Add to the amendment offered by Mr. Cady, the following: "Provided, however, that the bonds that may be issued under the provisions of this article may run for a period not exceeding thirty years."

Mr. Baker moved to further instruct said committee to amend as follows:

Strike out on page 1 all after the word "canals," in line 5, down to and including the word "State," in line 7.

Mr. Nichols moved to further instruct said committee to amend as follows:

Strike out all after the word "article" in fourth line of Mr. Cady's amendment.

Mr. President put the question on the motion of Mr. Veeder, and it was determined in the negative.

Mr. President put the question on the motion of Mr. Nichols, and it was determined in the negative.

Mr. President put the question on the motion of Mr. Cady, and it was determined in the affirmative.

Mr. President put the question on the motion of Mr. Baker, and it was determined in the affirmative.

Mr. Choate moved to recommit to said committee, with instructions to amend as follows:

Strike out the words "or by equitable annual tax."

Mr. President put the question on the motion of Mr. Choate, and it was determined in the negative.

Mr. Foote, from the Committee on Revision and Engrossment, to which was referred the proposed constitutional amendment introduced by Mr. Marshall, introductory No. 69, reported by the Committee on Banking and Insurance, and by the Committee of the Whole, entitled "Proposed constitutional amendment to amend section 7 of article 8 of the Constitution, relative to the liability of the stockholders of banking corporations," reports the same as examined and corrected and as correctly engrossed.

Mr. Foote, from the Committee on Revision and Engrossment, to which was referred the proposed constitutional amendment introduced by Committee on Future amendments, introductory No. 368, reported by the Committee on Future Amendments, and by the Committee of the Whole, entitled "Proposed Constitutional amendment to amend article 13 of the Constitution, relating to further amendments," reports the same as examined and corrected and as correctly engrossed.

Mr. Dickey moved that the time of the session be extended to six o'clock.

Mr. Cady moved to amend so that the session will be extended to 5.30 o'clock.

Mr. McIntyre raised the point of order that five o'clock had arrived, and the Convention must take a recess.

Mr. President ruled the point of order not well taken.

Mr. McIntyre appealed from the decision of the Chair.

Mr. J. C. Davies moved to lay the appeal on the table.

Mr. President put the question on the motion of Mr. Davies, and it was determined in the affirmative.

Mr. President put the question on the motion of Mr. Cady, and it was determined in the affirmative.

Mr. President put the question on the motion of Mr. Dickey, as amended, and it was determined in the affirmative.

The proposed constitutional amendment, printed No. 437, as amended, to read as follows:

PROPOSED CONSTITUTIONAL AMENDMENT

To Amend Sections One, Two, Four and Five of Article Seven of the Constitution, in Relation to the Canal Debts and the Maintenance of Canals.

The Delegates of the People of the State of New York, in Convention assembled, do propose as follows:

Sections 1, 2, 4 and 5 of article 7 of the Constitution, are hereby abrogated, and section 3 amended so as to read as follows:

Section 1. No tolls shall be hereafter imposed on persons or property transported on the canals, but all boats navigating the canals, and the owners and masters thereof, shall be subject to such laws and regulations as have been or may hereafter be

enacted concerning the navigation of the canals. The Legislature shall annually, by equitable taxes, make provision for the expenses of the superintendence and repairs of the canals. The canals of the State may be improved in such manner as the Legislature shall provide by law. A debt may be authorized for that purpose in the mode prescribed by section eight of this article, or the cost of such improvement may be defrayed by the appropriation of funds from the State treasury, or by equitable annual tax."

All contracts for work or materials on any canal shall be made with the persons who shall offer to do or provide the same at the lowest price, with adequate security for their performance. No extra compensation shall be made to any contractor but if, from any unforeseen cause, the terms of any contract shall prove to be unjust and oppressive, the canal board may, upon the application of the contractor, cancel such contract.

Was read the third time and passed, a majority of all the delegates elected to the Convention, voting in favor thereof.

Ayes — Messrs. Ackerly, Arnold, Baker, Barrow, Becker, Blake, Bowers, Brown, E. A.; Burr, Cady, Carter, Cassidy, Cochran, Coleman, Countryman, Davenport, Davis, G. A.; Deady, Dean, Deterling, Deyo, Durnin, Emmet, Faber, Farrell, Fitzgerald, Floyd, Forbes, Francis, Frank, Andrew; Frank, Augustus; Fuller, C. A.; Gibney, Giegerich, Gilleran, Goeller, Hecker, Hedges, Hill, Hirschberg, M. H.; Holcomb, Holls, Hotchkiss, Hottenroth, Jenks, Lauterbach, Lester, Lewis, C. H.; Lincoln, Manley, Marshall, McClure, McDonough, McLaughlin, C. B.; McLaughlin, J. W.; McMillan, Mereness, Moore, Morton, Nicoll, De L.; Nostrand, O'Brien, Ohmeis, Parmenter, Pashley, Peck, Platzek, Porter, Powell, Putnam, Roche, Rogers, Root, Smith, Springweiler, Steele, W. H.; Storm, Sullivan, T. A.; Sullivan, W.; Tekulsky, Tibbetts, Truax, C. H.; Truax, C. S.; Tucker, Turner, Veeder, Vogt, Wellington, Williams — 89. }

Noes — Messrs. Abbott, Acker, Banks, Barhite, Barnum, Bigelow, Brown, E. R.; Chipp, Jr.; Church, Clark, G. W.; Clark, H. A.; Cookinham, Cornwell, Crosby, Dickey, Durfee, Foote, Fuller, O. A.; Gilbert, Goodelle, Green, A. H.; Griswold, Hamlin, Hawley, Jacobs, Johnson, I. Sam; Johnson, J.; Kellogg, Kinkel, Kurth, Mantanye, Maybee, McCurdy, McIntyre, McKinstry, Nichols, W. H.; Parker, Parkhurst, Redman, Spencer, Steele, A. B.; Whitmyer, Woodward, President — 44.

When the name of Mr. Forbes was called, he asked to be and was not excused from voting.

The Convention then took a recess until eight o'clock.

EVENING SESSION.

Eight o'clock P. M.

The Convention again met.

The Second Vice-President, Mr. W. H. Steele, in the chair.

Mr. Cookinham offered a resolution in words following:

Resolved, That a committee consisting of ten Delegates be appointed by the President to draft an address to the people of the State explanatory of the proposed constitutional amendments to be submitted to the popular vote, and that the President be ex officio chairman of such committee.

The resolution, giving rise to debate, was tabled under the rules.

Mr. Cookinham also offered a resolution in words following:

Resolved, That the Convention adjourn sine die on Saturday, September 22, at twelve o'clock, noon, or as soon thereafter on that day as the constitutional amendments then adopted can be read, and the Revised Constitution read, adopted as a whole and signed by the Delegates.

The resolution, giving rise to debate, was tabled under the rules.

Mr. Springweiler offered a resolution in words following:

Whereas, The wage-workers of this State have petitioned this Convention, through many thousand citizens, to pass the co-employer liability, anti-conspiracy and anti-trust amendments; therefore, be it

Resolved, That this Convention will not adjourn without considering their requests and passing on said amendments.

The resolution, giving rise to debate, was tabled under the rules.

Mr. President directed the Secretary to call the roll to ascertain the presence of a quorum, when the following Delegates answered to the call of their names:

Messrs. Abbott, Acker, Ackerly, Arnold, Barhite, Barnum, Barrow, Becker, Bigelow, Brown, E. A.; Brown, E. R.; Burr, Cady, Carter, Chipp, Jr.; Church, Clark, G. W.; Clark, H. A.; Coleman,

Cookinham, Cornwell, Countryman, Dean, Deterling, Deyo, Dickey, Durfee, Durnin, Emmet, Faber, Farrell, Floyd, Foote, Forbes, Francis, Fuller, C. A.; Fuller, O. A.; Galinger, Gibney, Green, A. H.; Green, J. I.; Hawley, Hedges, Hill, Hottenroth, Johnson, I. Sam; Johnson, J.; Kellogg, Kinkel, Kurth, Lester, Lewis, C. H.; Lincoln, Manley, Mantanye, Marshall, Maybee, McClure, McCurdy, McDonough, McIntyre, McLaughlin, C. B.; McLaughlin, J. W.; McMillan, Mereness, Moore, Morton, Nichols, W. H.; O'Brien, Ohmeis, Osborn, Parker, Pashley, Peck, Platzek, Pool, Powell, Putnam, Redman, Rogers, Schumaker, Spencer, Springweiler, Steele, A. B.; Steele, W. H.; Storm, Sullivan, T. A.; Tekulsky, Tucker, Vogt, Wellington, Whitmyer, Wiggins, Williams, Woodward.

Mr. Tekulsky offered a resolution in words following:

Resolved, That we extend this evening's session to eleven o'clock, and after disposing of the printed Calendar on third reading of bills Nos. 26, 27, 28 and 29, we return to general order No. 48, which is the first on the Calendar, before transacting any other business.

Mr. Cookinham moved to lay the resolution on the table, and on that moved the previous question.

Mr. President put the question on the motion for the previous question, and it was determined in the negative.

Mr. President put the question on the motion to lay on the table, and it was determined in the negative.

Debate being had thereon, Mr. Dean moved the previous question.

Mr. President put the question on ordering the previous question, and it was determined in the affirmative.

Mr. President put the question on the resolution offered by Mr. Tekulsky, and it was determined in the negative.

The proposed constitutional amendment, printed No. 464, in words following:

PROPOSED CONSTITUTIONAL AMENDMENT

To Amend Article Eight of the Constitution by the Addition of
New Section.

*The Delegates of the People of the State of New York, in
Convention assembled, do propose as follows :*

Article 8 of the Constitution is amended by inserting the following as a new section :

Sec. 12. All cities are classified according to the latest State enumeration, as from time to time made, as follows: The first class includes all cities having a population of two hundred and fifty thousand, or more; the second class, all cities having a population of fifty thousand and less than two hundred and fifty thousand; the third class, all other cities. Laws relating to the property, affairs or government of cities, and the several departments thereof, are divided into general and special city laws; general city laws are those which relate to all the cities of one or more classes; special city laws are those which relate to a single city, or to less than all the cities of a class. Special city laws shall not be passed except in conformity with the provisions of this section. After any bill for a special city law, relating to a city, has been passed by both branches of the Legislature, the house in which it originated shall immediately transmit a certified copy thereof to the mayor of such city, and within fifteen days thereafter the mayor shall return such bill to the house from which it was sent, or if the session of the Legislature at which such bill was passed has terminated, to the Governor, with the mayor's certificate thereon, stating whether the city has or has not accepted the same.

In every city of the first class, the mayor, and in every other city, the mayor and the legislative body thereof, concurrently, shall act for such city as to such bill; but the Legislature may provide for the concurrence of the legislative body in cities of the first class. The Legislature shall provide for a public notice and opportunity for a public hearing concerning any such bill in every city to which it relates, before action thereon. Such a bill, if it relates to more than one city, shall be transmitted to the mayor of each city to which it relates, and shall not be deemed accepted unless accepted as herein provided, by every such city. Whenever any such bill is accepted, as herein provided, it shall be subject, as

are other bills, to the action of the Governor. Whenever, during the session at which it was passed, any such bill is returned without the acceptance of the city or cities to which it relates, or within such fifteen days is not returned, it may nevertheless again be passed by both branches of the Legislature, and it shall then be subject, as are other bills, to the action of the Governor. In every special city law which has been accepted by the city or cities to which it relates, the title shall be followed by the words "accepted by the city," or "cities," as the case may be; in every such law which is passed without such acceptance, by the words, "passed without the acceptance of the city," or "cities," as the case may be.

All certificates of indebtedness or revenue bonds issued in anticipation of the collection of taxes, which are not by their terms to be paid within five years after their date of issue, and bonds issued to provide for the supply of water, and any debt hereafter incurred by any portion or part of a city, if there shall be any such debt, shall be included in ascertaining the power of the city to become otherwise indebted. Whenever hereafter the boundaries of any city shall become the same as those of a county, the power of the county to become indebted shall cease, but the debt of the county at that time existing shall not be included as a part of the city debt.

Being announced for third reading, Mr. Banks moved to recommit said amendment to the Committee on Cities with instructions to report the same forthwith, amended as follows:

Strike out lines 8 to 17, on page 3, and insert in lieu thereof the following:

Section 11 of article 8 of the Constitution is hereby amended so as to read as follows:

"Sec. 22. No county, city, town or village shall hereafter give any money or property, or loan its money or credit to or in aid of any individual, association or corporation, or become directly or indirectly the owner of stock in or bonds of any association or corporation; nor shall any such county, city, town or village be allowed to incur any indebtedness except for county, city, town or village purposes. This section shall not prevent such county, city, town or village from making such provision for the aid or support of its poor as may be authorized by law. No county or city, shall be allowed to become indebted for any purpose or in any manner

to an amount which, including existing indebtedness, shall exceed ten per centum of the assessed valuation of the real estate of such county or city subject to taxation, as it appeared by the assessment-rolls of said county or city on the last assessment for State or county taxes prior to the incurring of such indebtedness; and all indebtedness in excess of such limitation, except such as may now exist, shall be absolutely void, except as herein otherwise provided. No county or city whose present indebtedness exceeds ten per centum of the assessed valuation of its real estate, subject to taxation, shall be allowed to become indebted in any further amount until such indebtedness shall be reduced within such limit. This section shall not be construed to prevent the issuing of certificates of indebtedness or revenue bonds issued in anticipation of the collection of taxes for amounts actually contained, or to be contained in the taxes for the year when such certificates or revenue bonds are issued and payable out of such taxes. Nor shall this section be construed to prevent the issue of bonds to provide for the supply of water, but the term of the bonds issued to provide for the supply of water shall not exceed twenty years, and a sinking fund shall be created on the issuing of the said bonds for their redemption, by raising annually a sum which will produce an amount equal to the sum of the principal and interest of said bonds at their maturity. All certificates of indebtedness or revenue bonds issued in anticipation of the collection of taxes, which are not retired within five years after their date of issue, and bonds issued to provide for the supply of water, and any debt hereafter incurred by any portion or part of a city (if there shall be any such debt) shall be included in ascertaining the power of the city to become otherwise indebted. Whenever hereafter the boundaries of any city shall become the same as those of a county, the power of the county to become indebted shall cease, but the debt of the county at that time existing shall not be included as a part of the city debt. The amount hereafter to be raised by tax for county or city purposes, in any county containing a city of over one hundred thousand inhabitants or any such city of this State, in addition to providing for the principal and interest of existing debt, shall not, in the aggregate, exceed in any one year two per centum of the assessed valuation of the real and personal estate of such county or city, to be ascertained as prescribed in this section in respect to county or city debt."

Mr. Spencer moved to further instruct said committee to amend said proposed constitutional amendment as follows:

Strike out all after the word "section," on line 2, page 1, down to and including the words "may be," line 7, page 3, and insert in lieu thereof the following:

"Whenever three-fifths of the electors of any city shall elect that such city shall exercise exclusive legislative and administrative powers concerning the streets, highways, parks, public places and sewers within said city, and the compensation of city officials and servants whose duties appertain to any of said subjects, the Legislature shall confer such powers upon the mayor and common council of said city and provide by law for the election and organization of such mayor and common council, in such manner and by such methods as shall, in the judgment of the Legislature, conserve the rights of and represent all the people of such city, anything herein to the contrary notwithstanding. The Legislature may confer upon such mayor and common council such further powers of local legislation and administration as the Legislature may, from time to time, deem expedient."

Mr. President put the question on the motion of Mr. Banks, and it was determined in the affirmative.

Mr. President put the question on the motion of Mr. Spencer, and it was determined in the negative.

Said proposed constitutional amendment, printed No. 464, as amended, in words following:

PROPOSED CONSTITUTIONAL AMENDMENT

To Amend Article Eight of the Constitution by the Addition of
New Section.

The Delegates of the People of the State of New York, in Convention assembled, do propose as follows:

Article 8 of the Constitution is amended by inserting the following as a new section:

Sec. 12. All cities are classified according to the latest State enumeration, as from time to time made, as follows: The first class includes all cities having a population of two hundred and fifty thousand, or more; the second class, all cities having a population of fifty thousand and less than two hundred and fifty thousand; the third class, all other cities. Laws relating to the

property, affairs of government of cities, and the several departments thereof, are divided into general and special city laws; general city laws are those which relate to all the cities of one or more classes; special city laws are those which relate to a single city, or to less than all the cities of a class. Special city laws shall not be passed except in conformity with the provisions of this section. After any bill for a special city law, relating to a city, has been passed by both branches of the Legislature, the house in which it originated shall immediately transmit a certified copy thereof to the mayor of such city, and within fifteen days thereafter the mayor shall return such bill to the house from which it was sent, or if the session of the Legislature at which such bill was passed has terminated, to the Governor, with the mayor's certificate thereon, stating whether the city has or has not accepted the same.

In every city of the first class, the mayor, and in every other city, the mayor and the legislative body thereof, concurrently, shall act for such city as to such bill; but the Legislature may provide for the concurrence of the legislative body in cities of the first class. The Legislature shall provide for a public notice and opportunity for a public hearing concerning any such bill in every city to which it relates, before action thereon. Such a bill, if it relates to more than one city, shall be transmitted to the mayor of each city to which it relates, and shall not be deemed accepted unless accepted as herein provided, by every such city. Whenever any such bill is accepted, as herein provided, it shall be subject, as are other bills, to the action of the Governor. Whenever, during the session at which it was passed, any such bill is returned without the acceptance of the city or cities to which it relates, or within such fifteen days is not returned, it may nevertheless again be passed by both branches of the Legislature, and it shall then be subject, as are other bills, to the action of the Governor. In every special city law which has been accepted by the city or cities to which it relates, the title shall be followed by the words "accepted by the city," or "cities," as the case may be; in every such law which is passed without such acceptance, by the words "passed without the acceptance of the city," or "cities," as the case may be.

Section 11 of article 8 of the Constitution is hereby amended so as to read as follows:

Sec. 22. No county, city, town or village shall hereafter give any money or property, or loan its money or credit to or in aid of

any individual, association or corporation, or become directly or indirectly the owner of stock in or bonds of any association or corporation; nor shall any such county, city, town or village be allowed to incur any indebtedness except for county, city, town or village purposes. This section shall not prevent such county, city, town or village from making such provision for the aid or support of its poor as may be authorized by law. No county or city shall be allowed to become indebted for any purpose or in any manner to an amount which, including existing indebtedness, shall exceed ten per centum of the assessed valuation of the real estate of such county or city subject to taxation, as it appeared by the assessment-rolls of said county or city on the last assessment for State or county taxes prior to the incurring of such indebtedness; and all indebtedness in excess of such limitation, except such as may now exist, shall be absolutely void, except as herein otherwise provided. No county or city whose present indebtedness exceeds ten per centum of the assessed valuation of its real estate subject to taxation, shall be allowed to become indebted in any further amount until such indebtedness shall be reduced within such limit. This section shall not be construed to prevent the issuing of certificates of indebtedness or revenue bonds issued in anticipation of the collection of taxes for amounts actually contained, or to be contained in the taxes for the year when such certificates or revenue bonds are issued and payable out of such taxes. Nor shall this section be construed to prevent the issue of bonds to provide for the supply of water, but the term of the bonds issued to provide for the supply of water shall not exceed twenty years, and a sinking fund shall be created on the issuing of the said bonds for their redemption, by raising annually a sum which will produce an amount equal to the sum of the principal and interest of said bonds at their maturity. All certificates of indebtedness or revenue bonds issued in anticipation of the collection of taxes, which are not retired within five years after their date of issue, and bonds issued to provide for the supply of water, and any debt hereafter incurred by any portion or part of a city (if there shall be any such debt) shall be included in ascertaining the power of the city to become otherwise indebted. Whenever hereafter the boundaries of any city shall become the same as those of a county the power of the county to become indebted shall cease, but the debt of the county at that time existing shall not be included as a part of the city debt. The

amount hereafter to be raised by tax for county or city purposes, in any county containing a city of over one hundred thousand inhabitants, or any such city of this State, in addition to providing for the principal and interest of existing debt, shall not, in the aggregate, exceed in any one year two per centum of the assessed valuation of the real and personal estate of such county or city, to be ascertained as prescribed in this section in respect to county or city debt.

Was read the third time and passed, a majority of all the Delegates elected to the Convention voting in favor thereof:

Ayes — Messrs. Abbott, Acker, Ackerly, Arnold, Baker, Banks, Barhite, Barnum, Barrow, Becker, Bigelow, Brown, E. A.; Brown, E. R.; Cady, Carter, Cassidy, Church, Clark, G. W.; Cochran, Cookinham, Cornwell, Countryman, Crosby, Davenport, Dean, Deterling, Dickey, Durfee, Emmet, Faber, Floyd, Foote, Francis, Frank, Andrew; Frank, Augustus; Fuller, C. A.; Fuller, O. A.; Galinger, Gilbert, Goodelle, Hamlin, Hawley, Hecker, Hedges, Hill, Hirschberg, M. H.; Holls, Jacobs, Johnson, I. Sam; Johnson, J.; Kellogg, Kinkel, Kurth, Lauterbach, Lester, Lewis, C. H.; Lincoln, Manley, Mantanye, Marshall, McDonough, McIntyre, McKinstry, McLaughlin, C. B.; McMillan, Moore, Morton, Nichols, W. H.; Nostrand, O'Brien, Parker, Parkhurst, Pashley, Phipps, Pool, Porter, Powell, Putnam, Redman, Root, Springerweiler, Steele, A. B.; Steele, W. H.; Storm, Sullivan, T. A.; Turner, Vedder, Vogt, Wellington, Whitmyer, Wiggings, Woodward, President — 93.

Noes — Messrs. Blake, Bowers, Burr, Bush, Danforth, Deady, Deyo, Durnin, Farrell, Fitzgerald, Forbes, Giegerich, Goeller, Green, A. H.; Green, J. I.; Herzberg, A.; Holcomb, Hotchkiss, Hottenroth, Jenks, Maybee, McClure, McLaughlin, J. W.; Mereness, Mulqueen, Nicoll, De L.; Ohmeis, Osborn, Parmenter, Peabody, Peck, Platzek, Schumaker, Smith, Sullivan, W.; Tekulsky, Titus, Towns, Truax, C. H.; Truax, C. S.; Veeder, Williams — 42.

Mr. C. B. McLaughlin moved that the time of this session be extended fifteen minutes.

Mr. President put the question on the motion of Mr. McLaughlin, and it was determined in the affirmative.

Mr. C. B. McLaughlin then offered a resolution in words following:

“Resolved, That the consideration of proposed amendments to the Constitution be terminated with the final disposition of the bills heretofore ordered to a third reading, and that thereafter the Convention proceed to the consideration of such matters as are necessary for the final close and submission of the Convention work to the people.”

Mr. Storms moved the previous question.

Mr. President put the question on ordering the previous question, and it was determined in the affirmative.

Mr. President put the question on the motion of Mr. McLaughlin, and Mr. McDonough and Mr. Cochran were appointed tellers, and announced the following vote: Ayes, 65; noes, 54, and the motion was declared carried.

The Convention then adjourned.

Friday, September 21, 1894.

The Convention met pursuant to adjournment.

Prayer by Rev. R. H. Shirley.

On motion of Mr. Durnin, the reading of the Journal of Thursday, September twentieth, was dispensed with.

The last Record appearing upon the files of members to-day is of date August twenty-ninth.

Mr. President presented a bill of William H. Davis for the subpoenaing of witnesses on part of contestants in the contested election cases in the Second district of Kings county.

Referred to the Committee on Contingent Expenses:

Mr. I. S. Johnson moved to take from the table the resolution offered by Mr. McMillan, in words following:

“Resolved, That the vote by which the report of the Committee of the Whole on General Order No. 64, relating to the use of money for political purposes, was agreed to be reconsidered, and that the motion lay on the table.”

Mr. President put the question on the motion of Mr. I. S. Johnson, and Messrs. McDonough and Rogers were appointed tellers, and announced the following vote: Ayes, 31; noes, 50, and the motion was declared lost.

Mr. Cookinham called up the resolution previously offered by him, in words following:

“Resolved, That Harvey A. Putnam and Thomas A. Sullivan be and they are allowed the sum of \$2,313.79, their expenses for counsel fee and disbursements in their contest in the Thirtieth district against Herman F. Trapper and Charles Beckwith.”

Mr. President put the question on the motion of Mr. Cookinham, and it was determined in the negative

The proposed constitutional amendment, printed No. 432, in words following:

PROPOSED CONSTITUTIONAL AMENDMENT

To Amend Article Fourteen of the Constitution.

The Delegates of the People of the State of New York, in Convention assembled, do propose as follows:

Article 14 of the Constitution is hereby amended by striking out all of said article except the thirteenth section, and by amending that section so that the article shall read as follows:

ARTICLE XIV.

This Constitution shall be in force from and including the first day of January, one thousand eight hundred and ninety-five, except as herein otherwise provided.

Being announced for third reading, Mr. Veeder moved to recommit said amendment to the Committee on Future Amendments, with instructions to report the same forthwith amended as follows: After word “Constitution,” secondly occurring, insert the words “if adopted.”

Mr. President put the question on the motion of Mr. Veeder, and it was determined in the negative.

Said proposed constitutional amendment was then read the third time and passed, a majority of all the Delegates elected to the Convention voting in favor thereof:

Ayes — Messrs. Abbott, Acker, Ackerly, Arnold, Baker, Banks, Barnum, Becker, Bigelow, Brown, E. A.; Brown, E. R.; Burr, Cady, Campbell, Carter, Church, Cochran, Coleman, Cookinham, Cornwell, Countryman, Crosby, Davenport, Davies, J. C.; Deady, Dean,

Deyo, Dickey, Doty, Durfee, Durnin, Emmet, Faber, Farrell, Floyd, Forbes, Francis, Frank, Augustus; Fraser, Fuller, C. A.; Fuller, O. A.; Galinger, Giegerich, Gilbert, Gilleran, Goeller, Goodelle, Green, A. H.; Hawley, Hedges, Herzberg, A.; Hill, Hirschberg, M. H.; Holls, Hottenroth, Jenks, Johnson, I. Sam; Johnson, J.; Kellogg, Kurth, Lester, Lewis, C. H.; Lewis, M. E.; Lyon, Manley, Marshall, Maybee, McArthur, McDonough, McIntyre, McKinstry, McLaughlin, J. W.; McMillan, Mereness, Moore, Morton, Nichols, W. H.; Nostrand, O'Brien, Parker, Parkhurst, Pashley, Phipps, Platzek, Putnam, Redman, Roche, Rogers, Spencer, Steele, W. H.; Storm, Sullivan, T. A.; Tibbetts, Truax, C. H.; Truax, C. S.; Tucker, Turner, Vedder, Vogt, Wellington, Whitmyer, Wiggins, Williams, Woodward, President — 105.

Noes — Messrs. Holcomb, Schumaker, Titus, Veeder — 4.

The proposed constitutional amendment, printed No. 393, in words following :

PROPOSED CONSTITUTIONAL AMENDMENT

To Amend the Constitution Relative to Civil Service of the State and Cities.

The Delegates of the People of the State of New York, in Convention assembled, do propose as follows :

Article 8 of the Constitution is hereby amended by adding a new section to read as follows :

Appointments and promotions in the civil service of the State, and of cities, shall be made according to merit and fitness to be ascertained, so far as practicable, by examinations, which, so far as practicable, shall be competitive.

Laws shall be made to provide for the enforcement of this section.

Honorably discharged Union soldiers and sailors, who are not otherwise disqualified for such appointment or promotion, shall be exempt from the provisions of this section.

Being announced for third reading, Mr. Hotchkiss moved to recommit said amendment to the Committee on Civil Service, with instructions to report the same forthwith, amended as follows: Strike out the words "who are not otherwise disqualified for such appointment or promotion."

Mr. Tibbetts moved to further instruct said committee to amend as follows: Strike out last sentence of the section and insert in lieu thereof the following:

"Honorably discharged Union soldiers and sailors of the late civil war who are residents of this State shall be entitled to preference in such appointments and promotions, and shall be exempt from such examinations."

Mr. Countryman moved to further instruct said committee to "strike out the last sentence of the section."

Mr. McIntyre moved to further instruct said committee to amend as follows: Amend lines 9, 10 and 11 so as to read thus:

"Honorably discharged Union soldiers and sailors who served in the late civil war, and who are not otherwise disqualified for such appointment or promotion, shall be exempt from the provisions of said competitive examination."

Mr. De L. Nicoll moved to further instruct said committee to amend as follows: Strike out lines 3 and 4 and substitute as follows:

"Appointments and promotions in the civil service of the State and of all the civil divisions thereof, including cities and villages."

Mr. Peck moved to further instruct said committee to amend as follows: On line 9, page 1, after word "sailors" insert "citizens and residents of this State."

Mr. Durfee moved to further instruct said committee to amend as follows:

Strike out, in lines 9 and 10, the words "who are not otherwise disqualified for such appointment or promotion." Also the words "provisions of" in line 11, and insert "examinations required by." So that the paragraph will read:

"Honorably discharged Union soldiers and sailors of the late civil war shall be exempt from the examinations required by this section."

Mr. Morton moved to amend the motion of Mr. Durfee by adding at the end thereof the following: "And shall be eligible for such appointment or promotion without such examination."

Mr. Cochran moved to instruct said committee to further amend as follows: Strike out lines 9, 10 and 11 and insert:

"Provided, however, that honorably discharged soldiers and sailors from the army and navy of the United States in the late civil war, who are citizens and residents of this State, shall be entitled to preference in appointment and promotion, without regard to their standing on any list from which such appointment or promotion may be made."

Mr. President put the question on the motion of Mr. Nicoll, and Messrs. Holls and Countryman were appointed tellers, and announced the following vote: Ayes, 61; noes, 36. And the motion was declared carried.

Mr. President put the question on the motion of Mr. Countryman, and it was determined in the negative.

Mr. President put the question on the motion of Mr. Cochran, and Messrs. Holls and Countryman were appointed tellers, and announced the following vote: Ayes, 59; noes, 24. And the motion was declared carried.

Mr. President put the question on the motion of Mr. Peck, and it was determined in the affirmative.

Second Vice-President, Mr. W. H. Steele, in the chair.

Said proposed constitutional amendment, printed No. 393, as amended, in words following :

PROPOSED CONSTITUTIONAL AMENDMENT

To Amend the Constitution Relative to Civil Service of the State and Cities.

The Delegates of the People of the State of New York, in Convention assembled, do propose as follows :

Article 8 of the constitution is hereby amended by adding a new section to read as follows :

Appointments and promotions in the civil service of the State, and of all the civil divisions thereof, including cities and villages, shall be made according to merit and fitness to be ascertained, so far as practicable, by examinations, which, so far as practicable, shall be competitive. Provided, however, that honorably discharged soldiers and sailors from the army and navy of the United States in the late civil war, who are citizens and residents of this State, shall be entitled to preference in appointment and

promotion, without regard to their standing on any list from which such appointment or promotion may be made.

Laws shall be made to provide for the enforcement of this section.

Was read the third time and passed, a majority of all the members elected to the Convention voting in favor thereof, as follows:

Ayes — Messrs. Acker, Arnold, Baker, Banks, Barhite, Barnum, Becker, Bigelow, Blake, Bowers, Brown, E. A.; Brown, E. R.; Burr, Cady, Campbell, Carter, Clark, G. W.; Coleman, Cookinham, Cornwell, Davenport, Davies, J. C.; Deady, Deyo, Dickey, Doty, Durfee, Fitzgerald, Floyd, Foote, Francis, Frank, Augustus; Fraser, Fuller, C. A.; Galinger, Gibney, Gilbert, Gilleran, Goeller, Goodelle, Green, J. I.; Hamlin, Hedges, Herzberg, A.; Hill, Hirschberg, M. H.; Holcomb, Holls, Hotchkiss, Hottenroth, Jenks, Johnson, I. Sam; Kellogg, Kinkel, Kurth, Lauterbach, Lewis, M. E.; Marks, Marshall, McClure, McKinstry, McLaughlin, J. W.; McMillan, Meyenborg, Morton, Mulqueen, Nichols, W. H.; Nicoll, De L.; Nostrand, Ohmeis, Parker, Parmenter, Platzek, Porter, Powell, Putnam, Roche, Rogers, Root, Schumaker, Smith, Springweiler, Steele, A. B.; Steele, W. H.; Storm, Sullivan, W.; Tekulsky, Tibbetts, Titus, Truax, C. H.; Truax, C. S.; Veeder, Wellington, Whitmyer, Williams, Woodward, President — 97.

Noes — Messrs. Abbott, Ackerly, Alvord, Barrow, Cassidy, Chipp, Jr.; Church, Cochran, Countryman, Crosby, Danforth, Dean, Deterling, Durnin, Emmet, Faber, Farrell, Frank, Andrew; Fuller, O. A.; Green, A. H.; Hawley, Hecker, Jacobs, Johnson, J.; Lester, Lewis, C. H.; Lincoln, Lyon, Manley, Mantanye, Maybee, McArthur, McCurdy, McDonough, McIntyre, McLaughlin, C. B.; Mereness, Moore, O'Brien, Parkhurst, Pashley, Peabody, Peck, Phipps, Pool, Sandford, Spencer, Sullivan, T. A.; Towns, Tucker, Turner, Vedder, Vogt, Wiggins — 54.

The proposed constitutional amendment, printed No. 417, in words following:

PROPOSED CONSTITUTIONAL AMENDMENT

To Amend Section Seven of Article One of the Constitution, so as to include therein the right to construct and Maintain Necessary Drains and Ditches for Agricultural Purposes Across the Lands of Others.

The Delegates of the People of the State of New York, in Convention assembled, do propose as follows:

Section 7 of article 1 of the Constitution is hereby amended so as to read as follows:

Sec. 7. When private property shall be taken for any public use the compensation to be made therefor, when such compensation is not made by the State, shall be ascertained by a jury or by not less than three commissioners appointed by a court of record, as shall be prescribed by law. Private roads may be opened in the manner to be prescribed by law; but in every case the necessity of the road and the amount of all damage to be sustained by the opening thereof shall be determined by a jury of freeholders, and such amount, together with the expenses of the proceeding, shall be paid by the person to be benefited.

General laws may be passed permitting the owners or occupants of lands to construct and maintain necessary drains and ditches for agricultural purposes, across the lands of others, under proper restrictions and with just compensation, but no special laws shall be enacted for such purposes.

Being announced for third reading, Mr. E. R. Brown moved to recommit said amendment to the Committee on Preamble, with instructions to report the same forthwith, amended as follows:

In line 4, page 2, before the word "lands," insert "agricultural;" and in the same line, before the word "necessary," insert "for the drainage thereof;" and in the same line strike out "and" at the end thereof; also, in line 5, strike out the words "for agricultural purposes across," and insert "and dikes upon."

Mr. A. H. Green moved to further instruct said committee to amend as follows:

Strike out in page 1, line 7, the words "as shall be prescribed by law," and insert the words "or by a jury at the option of the person whose property is taken, which compensation, together with the expenses of the proceeding, shall be paid before the property is taken."

Mr. Hottenroth moved to further instruct said committee to amend said proposed constitutional amendment as follows:

In line 7, page 1, insert after the word "record" the words "at least one of whom shall be selected by the property owner."

Mr. Hottenroth also moved to further instruct said committee to amend as follows:

Add the following paragraphs:

When private property shall be taken for public use, or the construction of drains, the compensation and damages shall be first paid, unless the court having jurisdiction of the proceeding shall, upon a hearing of the parties interested, deem immediate acquisition necessary. If the necessity is established to the satisfaction of the court, it shall thereupon grant to the owner such immediate or partial relief as justice requires.

Notice of all proceedings shall be given to the owners in the manner prescribed for the service of process in the supreme court of this State.

Pending the question, the hour of one o'clock having arrived, the Convention took a recess until three o'clock.

AFTERNOON SESSION.

Three o'clock P. M.

The Convention again met.

Second Vice-President, Mr. W. H. Steele, in the chair.

Mr. President directed the Secretary to call the roll to ascertain the presence of a quorum, when the following Delegates answered to the call of their names:

Messrs. Abbott, Acker, Ackerly, Arnold, Baker, Banks, Bigelow, Blake, Bowers, Burr, Bush, Campbell, Carter, Chipp, Jr., Church, Cochran, Coleman, Cookinham, Countryman, Davenport, Deady, Dean, Deyo, Dickey, Doty, Durnin, Emmet, Faber, Farrell, Floyd, Foote, Forbes, Francis, Frank, Andrew; Fuller, C. A.; Fuller, O. A.; Galinger, Gilbert, Gilleran, Goeller, Goodelle, Green, A. H.; Hamlin, Hawley, Hecker, Hedges, Hill, Hirschberg, M. H.; Hottenroth, Johnson, I. Sam; Kimmey, Lewis, C. H.; Lincoln, Marks, Marshall, Maybee, McClure, McCurdy, McIntyre, McKinstry, McMillan, Mereness, Moore, Morton, Mulqueen, Nichols, W. H.;

Nicoll, De L.; Nostrand, O'Brien, Ohmeis, Parker, Parkhurst, Parmenter, Peabody, Peck, Platzek, Pool, Porter, Redman, Roche, Rogers, Root, Sandford, Schumaker, Spencer, Springweiller, Steele, A. B.; Steele, W. H.; Storm, Sullivan, T. A.; Tekulsky, Titus, Truax, C. H.; Tucker, Turner, Vedder, Veeder, Vogt, Wellington, Whitmyer, Wiggins, Williams, President.

Mr. President stated the pending question at the hour of adjournment to be the consideration of the amendments offered to the proposed constitutional amendment, printed No. 417, relating to the maintaining drains and ditches for agricultural purposes across the lands of others.

Mr. Peck moved to further instruct said committee to amend said proposed constitutional amendment as follows:

At end of section add:

"The necessary use of lands for the construction and operation of works serving to retain, exclude or convey water for agricultural, mining, manufacturing or sanitary purposes, is hereby declared to be a public use."

Mr. Marks moved to further instruct said committee to amend as follows:

"Sec. 7. When private property shall be taken for any public use, the compensation to be made therefor, when such compensation is not made by the State, shall be ascertained by a jury, when required by the owner of the property and if not so required, such compensation shall be ascertained by not less than three commissioners appointed by a court of record as shall be prescribed by law.

"But the compensation to be made for property taken for any public use by any civil division of the State, shall be ascertained by a jury or by not less than three commissioners appointed by a court of record as shall be prescribed by law.

"Private roads may be opened in the manner to be prescribed by law; but in every case the necessity of the road and the amount of all damage to be sustained by the opening shall be first determined by a jury of freeholders, and such amount, together with the expense of the proceeding, shall be paid by the person to be benefited."

By unanimous consent, on motion of Mr. Foote, the word "first" was inserted before the word "determined" on line 10, page 1.

Mr. President put the question on the motion of Mr. A. H. Green, and it was determined in the negative.

Mr. President put the question on the first motion of Mr. Hottenroth, and it was determined in the negative.

Mr. President put the question on the motion of Mr. E. R. Brown, and it was determined in the affirmative.

Mr. President put the question on the second motion of Mr. Hottenroth, and it was determined in the negative.

Mr. President put the question on the motion of Mr. Marks, and it was determined in the negative.

Mr. President put the question on the motion of Mr. Peck, and it was determined in the negative.

Said proposed constitutional amendment, printed No. 417, as amended, in words following:

PROPOSED CONSTITUTIONAL AMENDMENT

To Amend Section Seven of Article One of the Constitution, so as to Include Therein the Right to Construct and Maintain Necessary Drains and Ditches for Agricultural Purposes Across Lands of Others.

The Delegates of the People of the State of New York, in Convention assembled, do propose as follows:

Section 7 of article 1 of the Constitution is hereby amended so as to read as follows:

Sec. 7. When private property shall be taken for any public use the compensation to be made therefor, when such compensation is not made by the State, shall be ascertained by a jury or by not less than three commissioners appointed by a court of record, as shall be prescribed by law. Private roads may be opened in the manner to be prescribed by law; but in every case the necessity of the road and the amount of all damage to be sustained by the opening thereof shall be first determined by a jury of freeholders, and such amount, together with the expenses of the proceeding, shall be paid by the person to be benefited. General laws may be passed permitting the owners or occupants of agricultural lands to construct and maintain, for the drainage thereof, necessary drains, ditches and dikes upon the lands of others, under proper restrictions and with just compensation, but no special laws shall be enacted for such purposes.

Was then read the third time and passed, a majority of all the Delegates elected to the Convention voting in favor thereof.

Ayes — Messrs. Abbott, Acker, Ackerly, Arnold, Baker, Banks, Barhite, Barnum, Bigelow, Blake, Brown, E. R.; Burr, Cady, Carter, Cassidy, Church, Clark, G. W.; Cochran, Cookinham, Cornwall, Countryman, Crosby, Davenport, Deady, Deterling, Deyo, Dickey, Durfee, Emmet, Faber, Farrell, Floyd, Foote, Forbes, Francis, Frank, Augustus; Fuller, C. A.; Fuller, O. A.; Galinger, Gibney, Giegerich, Gilbert, Gilleran, Goeller, Goodelle, Green, A. H.; Hamlin, Hawley, Hedges, Herzberg, A.; Hill, Holls, Hotchkiss, Jacobs, Johnson, J.; Kellogg, Kimmey, Kinkel, Lauterbach, Lester, Lewis, C. H.; Lyon, Mantanye, Marshall, Maybee, McArthur, McDonough, McIntyre, McKinstry, McLaughlin, C. B.; McMillan, Mereness, Moore, Morton, Mulqueen, Nichols, W. H.; Nicoll, De L.; O'Brien, Parker, Parkhurst, Parmenter, Peck, Platzek, Pool, Powell, Putnam, Rogers, Root, Sandford, Schumaker, Spencer, Springweiler, Steele, A. B.; Steele, W. H.; Storm, Sullivan, T. A.; Sullivan, W.; Tekulsky, Truax, C. H.; Vedder, Vogt, Wellington, Williams, Woodward, President — 105.

Noes — Messrs. Barrow, Bowers, Campbell, Chipp, Jr., Dean, Doty, Green, J. I.; Hottenroth, Johnson, I. Sam; Manley, Marks, McCurdy, Meyenborg, Peabody, Titus, Tucker, Veeder, Wiggins — 18.

Mr. Deady offered a resolution in words following:

Whereas, The Committee on Privileges and Elections and the Committee on Contingent Expenses have reported that the claim of Delegates Harvey W. Putnam and Thomas A. Sullivan, for expenses and counsel fee in their contest for the seats awarded to them in this Convention, is a just and reasonable one; and

Whereas, It is the sense of this Convention that said claim should be paid; and

Whereas, The Convention questions its power to make an appropriation to pay said claim out of the present fund appropriated to the use of this Convention.

Resolved, That the matter be respectfully referred to the Legislature of the State, with the recommendation that it provide for the payment of said claim.

Mr. President put the question on the resolution of Mr. Deady, and it was determined in the affirmative.

Mr. Lyon, from the Committee on Contingent Expenses, reported as follows :

The Committee on Contingent Expenses, to which was referred the annexed claim of Edward M. Seacord, a messenger of the Convention, for additional compensation of three dollars per day from May 23, 1894, on account of services performed by him in clerical work as committee clerk.

Would respectfully report, that in the opinion of three of the members of said committee, Messrs. Faber, Green and Tekulsky, the charge is reasonable and proper and should be allowed and paid by the Convention; and that in the opinion of four of the members of said committee, Messrs. Brown, Whitmyer, Pashley and Lyon, the said charge is not a proper charge, and that the Convention has not the power to allow or pay said claim.

GEORGE F. LYON,
Chairman.

Mr. Goodelle offered a resolution in words following :

Whereas, Mr. Edward M. Seacord, of Cortland, was appointed a messenger and has only received pay as such, but by reason of the lack of sufficient clerical force and the necessity for the aid of additional clerks to make the work of committees and of the Convention effective, he has been ordered to act as clerk, and he has acted as such from May 23, 1894, and has been an efficient and faithful clerk, performing with marked ability all additional service put upon him;

Resolved, That as one of the necessary expenses of the Convention, he be paid for his additional service and responsibility, the further sum of three dollars per day for the services from May 23, 1894, making his pay the same as that of other clerks, and the payment thereof is hereby directed, authorized and directed to be made out of the fund appropriated for the expenses of this Convention.

Referred to the Committee on Contingent Expenses.

Mr. Goodelle moved to lay the report on the table,

Mr. President put the question on the motion to lay on the table, and it was determined in the affirmative.

Mr. Lyon, from the Committee on Contingent expenses, also reported as follows :

The Committee on Contingent Expenses, to which was referred the annexed claim of Albert B. Crumb, a messenger of the Convention, for additional compensation of three dollars per day from May 21, 1894, amounting to the sum of \$351, on account of services performed by him in the Convention post-office, would respectfully report :

That in the opinion of three of the members of said committee, Messrs. Faber, Green and Tekulsky, the charge is reasonable and proper, and should be allowed and paid by the Convention; and that in the opinion of four of the members of said committee, Messrs. Brown, Whitmyer, Pashley and Lyon, the said charge is not a proper charge, and that the Convention has not the power to allow or pay said claim.

GEORGE F. LYON,
Chairman.

The People of the State of New York, to Albert B. Crumb, Dr.
To extra services rendered by him as assistant postmaster of the Constitutional Convention, in addition to his duties as messenger, from May 21, 1894, to September 15, 1894, inclusive, being in all, one hundred and seventeen days, at \$3 per day, amounting to. \$351 00

Mr. A. B. Steele offered a resolution in words following :

Whereas, Albert B. Crumb, one of the messengers at this Convention, has continuously acted as assistant postmaster since May twenty-first. Now, therefore, it is hereby

Resolved, That an additional sum of three dollars per day be allowed and paid to said Crumb for his services as assistant postmaster.

Referred to the Committee on Contingent Expenses.

Mr. A. B. Steele moved to lay said report on the table.

Mr. President put the question on the motion to lay on the table, and it was determined in the affirmative.

Mr. Lyon, from the Committee on Contingent Expenses, also reported as follows :

The Committee on Contingent Expenses, to which was referred the annexed claim of James W. Riggs, Eugene A. Curran, George W. Roderick, Wm. M. Mullen and Thomas W. Fitzgerald, in the

matter of the contest in the Sixth Senatorial district, being for the sum of \$3,000 counsel fee and \$100 disbursements, would respectfully report :

That in the opinion of three members of said committee, Messrs. Faber, Green and Tekulsky, said claim is fair and reasonable to the amount of \$1,500 of counsel fee and \$100 costs and disbursements; and that, in the opinion of three members of said committee, Messrs. Brown, Whitmyer and Lyon, said claim is fair and reasonable to the amount of \$1,000 and \$100 costs and disbursements; that Mr. Pashley, of the committee, was one of the contestees, and, at his request, was excused from voting.

GEORGE F. LYON,
Chairman.

Brooklyn, September 1, 1894.

James W. Riggs, Eugene A. Curran, George W. Roderick, William M. Mullen, Thomas W. Fitzgerald to James A. Taylor and George W. Glendenning, Dr.

IN THE MATTER	}
OF THE	
CONTEST FOR THE SEATS OF THE DISTRICT	
DELEGATES TO THE CONSTITUTIONAL	
CONVENTION FROM THE SIXTH SENATORIAL DISTRICT OF THE STATE OF NEW YORK.	

SERVICES.

To professional services as attorneys and counsel for the above named, as contestees in the above-entitled matter, from November 7, 1893, to July 10, 1894, as shown by and specified in Convention document No. 28, and for the preparation of brief and argument upon the matter before the Committee of Privileges and Election, at the city of Albany, on said 10th day of July, 1894..... \$3,000 00

DISBURSEMENTS.

Paid Argus Publishing Co., of Albany, for printing brief of contestees..... \$100 00

\$3,100 00

State of New York, city and county of Albany, ss. :

Eugene A. Curran, being duly sworn, says that the foregoing bill of account is true in all respects; that the services therein charged for were actually and necessarily rendered; that the disbursements therein charged for were actually paid and necessarily incurred, and that there are no offsets or counter-claims thereto; and that no part of said claim has been yet paid by said contestees to said claimants for the services aforesaid.

EUGENE A. CURRAN.

Sworn to before me this 14th day of September, 1894.

JOHN T. McDONOUGH,
Notary Public, in and for Albany County.

Mr. Dean moved that said report lay on the table.

Mr. President put the question on the motion to lay on the table, and it was determined in the affirmative.

Mr. Lyon, from the Committee on Contingent Expenses, also reported as follows :

The Committee on Contingent Expenses, to which was referred the annexed claims of William H. Davis, William M. Winans and Albert Winterson, for services and disbursements, in connection with procuring witnesses before the Committee on Privileges and Elections, in the Second district contest, would respectfully report :

That said claims are presented on behalf of the unsuccessful contestants in said contest, and ought not, in the opinion of the committee, to be allowed.

GEORGE F. LYON,
Chairman.

Mr. President put the question on the adoption of said report, and it was determined in the affirmative.

By vote of the Convention, the following gentleman was excused from attendance: Mr. C. H. Truax, this evening and Saturday, September twenty-second.

Mr. C. B. McLaughlin moved to reconsider the vote on the resolution offered by him last evening, relating to the disposition of business before the Convention.

Mr. President put the question on said motion, and it was determined in the affirmative.

Mr. C. B. McLaughlin then offered the following as a substitute:

Resolved, That the Convention consider and dispose of all the proposed constitutional amendments now on the order of third reading, and also General Orders Nos. 48 and 73, and that no other proposed constitutional amendments be considered, and that the Committee on Rules be instructed forthwith, to report a rule limiting the time of debate to thirty minutes each, to such amendments in the Committee of the Whole; also abolishing the rule permitting a Delegate to explain his vote; and that such business be disposed of before adjournment on Saturday, September twenty-second; and that a session of the Convention be held on Saturday evening, if necessary; and that the Convention adjourn sine die, as soon thereafter as the amended Constitution can be engrossed and prepared for submission to the people.

Mr. Burr moved to amend by adding thereto General Order No. 27, printed No. 395, relating to "trusts or combinations."

Mr. Parkhurst moved the previous question.

Mr. President put the question on ordering the previous question, and it was determined in the affirmative.

Mr. Veeder called for the ayes and nays on the motion of Mr. Burr, and the President ruled that under the rules the ayes and noes could not be called on that question.

Mr. President put the question on the motion of Mr. Burr, and Messrs. McDonough and Cochran were appointed tellers, and announced the following vote: Ayes, 48; noes, 67, and the motion was declared lost.

Mr. President put the question on the motion of Mr. C. B. McLaughlin, and it was determined in the affirmative.

Mr. Mulqueen moved that the session be extended until six o'clock.

Mr. President put the question on the motion of Mr. Mulqueen, and it was determined in the affirmative.

On motion of Mr. Cookinham, the Convention proceeded in the Committee of the Whole, to the consideration of General Order No. 48, printed No. 425, "relating to the suppression of gambling."

The Convention then proceeded in Committee of the Whole, and, after some time spent therein, Mr. E. A. Brown, from said committee, reported in words following :

The Committee of the Whole have had under consideration the proposed constitutional amendment, printed No. 425, entitled "Proposed constitutional amendment to amend section 10, article 1 of the Constitution, in relation to the suppression of gambling," have gone through with the same, have made no amendment thereto, and instructed the chairman to report the same to the Convention, and recommend its passage.

Mr. President put the question on the adoption of said report, and it was determined in the affirmative.

And said amendment was referred to the Committee on Revision and Engrossment, and ordered to a third reading.

On motion of Mr. Hedges, the Convention proceeded in Committee of the Whole, to the consideration of the proposed constitutional amendment, General Order 73, printed No. 455, "relating to the militia."

The Convention then proceeded in Committee of the Whole, and, after some time spent therein, Mr. Hotchkiss, from said committee, reported in words following :

The Committee of the Whole have had under consideration the proposed constitutional amendment, printed No. 453, entitled "Proposed constitutional amendment to amend article 11 of the Constitution, relating to the militia," have gone through with the same, have made an amendment thereto, and instructed the chairman to report the same to the Convention, and recommend its passage.

Mr. President put the question on the adoption of said report, and it was determined in the affirmative.

And said amendment was referred to the Committee on Revision and Engrossment, and ordered to a third reading.

Mr. Foote, from the Committee on Revision and Engrossment, to which was referred the proposed constitutional amendment introduced by Committee on Preamble and Bill of Rights, introductory No. 384, reported by the Committee on Preamble and Bill of Rights, and by the Committee of the Whole, entitled "Proposed constitutional amendment to amend section 10 of article 1 of the Constitution, in relation to the suppression of

gambling," reports the same as examined and corrected and as correctly engrossed.

On motion of Mr. Marshall, at 5.47 the Convention took a recess until eight o'clock.

EVENING SESSION.

Eight o'clock P. M.

The Convention again met.

Second Vice-President, Mr. W. H. Steele, in the chair.

The President directed the Secretary to call the roll to ascertain the presence of a quorum, when the following Delegates answered to the call of their names :

Messrs. Abbott, Acker, Ackerly, Arnold, Baker, Barhite, Barnum, Becker, Bigelow, Bowers, Brown, E. A.; Bush, Carter, Church, Cochran, Coleman, Cookinham, Cornwell, Crosby, Davenport, Davies, J. C.; Davis, G. A.; Deady, Dean, Deterling, Deyo, Dickey, Doty, Durfee, Emmet, Faber, Foote, Forbes, Francis, Frank, Andrew; Fraser, Fuller, C. A.; Galinger, Gibney, Giegerich, Goodelle, Green, A. H.; Hamlin, Hawley, Hedges, Hill, Holls, Johnson, I. Sam; Johnson, J.; Kinkel, Kurth, Lester, Lewis, C. H.; Lewis, M. E.; Lyon, Manley, Mantanye, Marshall, Maybee, McLaughlin, C. B.; McMillan, Mereness, Moore, Morton, Nichols, W. H.; Nicoll, De L.; Nostrand, Ohmeis, Osborn, Parker, Parkhurst, Parmenter, Pashley, Peabody, Peck, Phipps, Platzek, Pool, Porter, Powell, Putnam, Roche, Rogers, Sandford, Spencer, Springweiler, Steele, A. B.; Steele, W. H.; Storm, Sullivan, W.; Tekulsky, Tibbetts, Titus, Turner, Vedder, Veeder, Vogt, Wellington, Whitmyer, Woodward, President.

Mr. Foote, from the Committee on Revision and Engrossment, to which was referred the proposed constitutional amendment introduced by Mr. Cochran, introductory No. 333, reported by the Committee on Military, and by the Committee of the Whole, entitled "Proposed constitutional amendment to amend article 11 of the Constitution, relating to the militia," reports the same as examined and corrected and as correctly engrossed.

Mr. Woodward presented a proposed constitutional amendment, proposing to amend the Preamble of the Constitution. Also adding new sections to the Bill of Rights.

By unanimous consent, referred to the Committee of the Whole.

On motion of Mr. Choate, Rule 36 was so amended as to permit the third reading of proposed constitutional amendments on the same day on which they were passed in the Committee of the Whole.

Mr. E. R. Brown offered a resolution in words following :

Whereas, no provisions were made by the Legislature for the care of the Document Room, and said Document Room having been placed in charge of Joseph Fayel by the Sergeant-at-Arms; therefore,

Resolved, That for the very efficient services which Joseph Fayel has rendered this Convention in the discharge of his duties, that he be paid the sum of six dollars per day for the session, the same pay that is paid by the Legislature for the same services rendered.

Referred to the Committee on Contingent Expenses.

The proposed constitutional amendment, printed No. 436, in words following :

PROPOSED CONSTITUTIONAL AMENDMENT

To Amend Article Thirteen of the Constitution, Relating to Further Amendments.

The Delegates of the People of the State of New York, in Convention assembled, do propose as follows :

Article 13 of the Constitution is hereby amended so as to read as follows :

ARTICLE XIII.

Section 1. Any amendment or amendments to this Constitution may be proposed in the Senate and Assembly ; and if the same shall be agreed to by a majority of the members elected to each of the two houses, such proposed amendment or amendments shall be entered on their Journals, with the yeas and nays taken thereon, and referred to the Legislature to be chosen at the next general election of Senators, and shall be published for three months previous to the time of making such choice; and if in the Legislature so next chosen, as aforesaid, such proposed amendment or amendments shall be agreed to by a majority of all the members elected to each house, then it shall be the duty of the Legislature to submit such proposed amendment or amendments to the people for approval in such manner and at such times as

the Legislature shall prescribe; and if the people shall approve and ratify such amendment or amendments by a majority of the electors voting thereon, such amendment or amendments shall become a part of the Constitution from and after the first day of January next after such approval.

Sec. 2. At the general election to be held in the year one thousand nine hundred and sixteen, and every twentieth year thereafter, and also at such times as the Legislature may by law provide, the question, "Shall there be a convention to revise the Constitution and amend the same?" shall be decided by the electors of the State; and in case a majority of such electors shall decide in favor of a convention for such purpose, the electors of every Senate district of the State, as then organized, shall elect three Delegates at the next ensuing general election at which members of the Assembly shall be chosen, and the electors of the State voting at the same election shall elect fifteen Delegates-at-Large. The Delegates so elected shall convene at the Capitol on the first Tuesday of April next ensuing after their election, and shall continue their session until the business of such convention shall have been completed. Every Delegate shall receive for his services the same compensation and the same mileage as shall then be annually payable to the members of the Assembly. A majority of the convention shall constitute a quorum for the transaction of business, and no amendment to the Constitution shall be submitted for approval to the electors as hereinafter provided, unless by the assent of a majority of all the Delegates elected to the convention, the yeas and nays being entered on the Journal to be kept. The convention shall have the power to appoint such officers, employes and assistants as it may deem necessary, and fix their compensations and to provide for the printing of its documents, Journal and proceedings. The convention shall determine the rules of its own proceedings, choose its own officers, and be the judge of the election, returns and qualifications of its members. In case of a vacancy by death, resignation or other cause, of any district Delegate, such vacancy shall be filled by a vote of the remaining Delegates representing the district in which such vacancy occurs. If any such vacancy occurs in the office of a Delegate-at-Large, such vacancy shall be filled by a vote of the remaining Delegates-at-Large. Any proposed constitution or constitutional amendment which shall have been adopted by such convention, shall be sub-

mitted to a vote of the electors of the State at the time and in the manner provided by such convention, at an election which shall be held not less than six weeks after the adjournment of such convention. Upon the approval of such constitution or constitutional amendments, in the manner provided in the last preceding section, such constitution or constitutional amendments, shall go into effect on the first day of January next after such approval.

Sec. 3. Any amendment proposed by a constitutional convention relating to the same subject as an amendment proposed by the Legislature, coincidently submitted to the people for approval at the general election held in the year one thousand eight hundred and ninety-four, or at any subsequent election, shall, if approved, be deemed to supersede the amendment so proposed by the Legislature.

Was read the third time and passed, a majority of all the Delegates elected to the Convention voting in favor thereof.

Ayes — Messrs. Abbott, Acker, Ackerly, Arnold, Baker, Barhite, Barnum, Barrow, Becker, Brown, E. A.; Cady, Carter, Church, Clark, H. A.; Cookinham, Crosby, Davenport, Davies, J. C.; Deterling, Deyo, Dickey, Doty, Durfee, Emmet, Faber, Foote, Francis, Frank, Andrew; Frank, Augustus; Fraser, Galinger, Gibney, Giegerich, Goodelle, Green, A. H.; Green, J. I.; Hamlin, Hawley, Hecker, Hedges, Hill, Holls, Johnson, I. Sam; Johnson, J.; Kellogg, Kinkel, Kurth, Lauterbach, Lester, Lewis, C. H.; Lincoln, Lyon, Manley, Marshall, Maybee, McKinstry, McLaughlin, C. B.; McMillan, Mereness, Moore, Nichols, W. H.; Nicoll, De L.; Nostrand, Ohmeis, Osborn, Parker, Parkhurst, Parmenter, Pashley, Peck, Phipps, Platzek, Pool, Porter, Powell, Putnam, Roche, Rogers, Sandford, Spencer, Springweiler, Steele, A. B.; Steele, W. H.; Storm, Sullivan, W.; Tekulsky, Turner, Vedder, Vogt, Wellington, Whitmyer, Woodward — 92.

Noes — Messrs. Bowers, Cochran, Danforth, Dean, Forbes, Mantanye, Peabody, Titus, Veeder, President — 10.

Mr. Vedder moved to reconsider the vote by which said proposed constitutional amendment was passed.

Mr. President put the question on the motion of Mr. Vedder, and it was determined in the affirmative, a majority of all the Delegates elected to the Convention voting in favor thereof.

Ayes — Messrs. Abbott, Acker, Ackerly, Arnold, Baker, Barhite, Barnum, Barrow, Becker, Bigelow, Bowers, Brown, E. A.;

Burr, Carter, Church, Clark, G. W.; Clark, H. A.; Cookinham, Cornwell, Countryman, Crosby, Danforth, Davenport, Davies, J. C.; Deady, Deterling, Dickey, Doty, Durfee, Emmet, Faber, Foote, Francis, Frank, Andrew; Frank Augustus; Fraser, Galinger, Gibney, Giegerich, Gilbert, Goeller, Goodelle, Green, A. H.; Green, J. I.; Hamlin, Hawley, Hecker, Hedges, Hill, Holls, Hotchkiss, Hottenroth, Jacobs, Johnson, I. Sam; Kurth, Lauterbach, Lester, Lewis, C. H.; Lewis, M. E.; Lincoln, Lyon, Manley, Mantanye, Marshall, McDonough, McIntyre, McKinstry, McLaughlin, C. B.; McMillan, Mereness, Morton, Nichols, W. H.; Nicoll, De L.; Nostrand, Ohmeis, Osborn, Parker, Parkhurst, Parmenter, Pashley, Peck, Phipps, Platzek, Pool, Porter, Powell, Putnam, Roche, Rogers, Root, Spencer, Springweiler, Steele, A. B.; Steele, W. H.; Storm, Sullivan, W.; Tekulsky, Turner, Vedder, Vogt, Whitmyer, Woodward, President — 103.

Noes — Messrs. Maybee, Moore, Speer.

Mr. Vedder then moved that said proposed constitutional amendment be recommitted to the Committee on Future Amendments, with instructions to report the same forthwith, amended as follows:

After the word "majority," line 16, page 2, strike out the words "of such electors" and insert in place thereof the words "of the electors voting thereon."

Mr. President put the question on the motion of Mr. Vedder, and it was determined in the affirmative.

Said constitutional amendment as amended was then read the third time and passed, a majority of all the Delegates elected to the Convention voting in favor thereof.

Ayes — Messrs. Abbott, Acker, Ackerly, Arnold, Barhite, Barnum, Barrow, Becker, Bigelow, Brown, E. A.; Brown, E. R.; Burr, Cady, Carter, Cassidy, Clark, G. W.; Clark, H. A.; Coleman, Cookinham, Cornwell, Crosby, Davenport, Davies, J. C.; Deady, Deterling, Deyo, Dickey, Doty, Durfee, Emmet, Faber, Forbes, Francis, Frank, Andrew; Frank, Augustus; Fraser, Galinger, Gibney, Giegerich, Gilbert, Goeller, Goodelle, Green, A. H.; Hamlin, Hawley, Hecker, Hedges, Hill, Holls, Jacobs, Johnson, I. Sam; Johnson, J.; Kellogg, Lauterbach, Lester, Lewis, C. H.; Lewis, M. E.; Lincoln, Lyon, Manley, Marshall, McDonough, McIntyre, McKinstry, McLaughlin, C. B.; McMillan, Mereness, Morton, Nichols, W. H.; Nicoll, De L.; Nostrand, O'Brien, Ohmeis, Osborn,

Parker, Parkhurst, Parmenter, Pashley, Peck, Phipps, Platzek, Pool, Porter, Powell, Putnam, Roche, Rogers, Root, Schumaker, Spencer, Springweiler, Steele, A. B.; Steele, W. H.; Storm, Sullivan, W.; Tekulsky, Tibbetts, Vedder, Vogt, Wellington, Whitmyer, Woodward, President — 103.

Noes — Messrs. Bowers, Cochran, Danforth, Dean, Hottenroth, Mantanye, Maybee, Mulqueen, Peabody, Sandford, Speer, Titus, Veeder — 13.

The proposed constitutional amendment, printed No. 434, in words following :

PROPOSED CONSTITUTIONAL AMENDMENT

To Amend Section Seven of Article Eight of the Constitution, Relative to the Liability of the Stockholders of Banking Corporations.

The Delegates of the People of the State of New York, in Convention assembled, do propose as follows :

Section 7 of article 8 of the Constitution is hereby amended so as to read as follows :

Sec. 7. The stockholders of every corporation, and joint-stock association, for banking purposes, shall be individually responsible to the amount of their respective share or shares of stock in such corporation or association, for all its debts and liabilities of every kind.

Was read the third time and passed, a majority of all the Delegates elected to the Convention voting in favor thereof.

Ayes — Messrs. Abbott, Acker, Ackerly, Arnold, Baker, Banks, Barhite, Barnum, Barrow, Becker, Burr, Cady, Carter, Church, Clark, G. W.; Cookinham, Cornwell, Countryman, Crosby, Davies, J. C.; Deterling, Dickey, Doty, Durfee, Emmet, Faber, Foote, Francis, Frank, Andrew; Frank, Augustus; Fraser, Fuller, O. A.; Galinger, Gibney, Green, A. H.; Green, J. I.; Hamlin, Hawley, Hecker, Hedges, Holls, Hotchkiss, Jacobs, Johnson, J.; Kinkel, Kurth, Lauterbach, Lester, Lewis, C. H.; Lewis, M. E.; Lincoln, Lyon, Manley, Marshall, McDonough, McIntyre, McKinstry, McMillan, Mereness, Morton, Nichols, W. H.; Nicoll, De L.; Nosstrand, O'Brien, Ohmeis, Osborn, Parker, Parmenter, Pashley, Phipps, Platzek, Pool, Powell, Roche, Rogers, Schumaker, Smith,

Springweiler, Steele, A. B.; Steele, W. H.; Storm, Sullivan, W.; Tekulsky, Tibbetts, Titus, Turner, Vogt, Wellington, Whitmyer — 88.

Noes — Messrs. Bigelow, Blake, Bowers, Brown, E. A.; Cassidy, Clark, H. A.; Coleman, Danforth, Davenport, Deady, Dean, Deyo, Forbes, Goeller, Hottenroth, Johnson, I. Sam; Kellogg, Mantanye, Maybee, McLaughlin, C. B.; Moore, Mulqueen, Parkhurst, Peabody, Putnam, Root, Sandford, Spencer, Vedder, Veeder, Woodward, President — 32.

The proposed constitutional amendment, printed No. 425, in words following :

PROPOSED CONSTITUTIONAL AMENDMENT

To Amend Section Ten, Article One of the Constitution, in Relation to the Suppression of Gambling.

The Delegates of the People of the State of New York, in Convention assembled, do propose as follows :

Section 10 of article 1 of the Constitution is hereby amended so as to read as follows :

Sec. 10. No law shall be passed abridging the right of the people peaceably to assemble and to petition the government, or any department thereof; nor shall any divorce be granted, otherwise than by due judicial proceedings, nor shall any lottery or the sale of lottery tickets, pool-selling, bookmaking, or any other kind of gambling hereafter be authorized or allowed within this State; and the Legislature shall pass appropriate laws to prevent offenses against any of the provisions of this section.

Being announced for third reading, Mr. Choate moved to recommit said amendment to the Committee on Preamble, with instructions to report the same forthwith, amended as follows :

Strike out the words "or any other kind of gambling."

Pending the question, Mr. J. C. Davies moved that the time of the session be extended to twelve o'clock, and it was determined in the affirmative.

Mr. President put the question on the motion of Mr. Choate, and it was determined in the negative.

Said proposed constitutional amendment was then read the third time and passed, a majority of all the Delegates elected to the Convention voting in favor thereof.

Ayes — Messrs. Acker, Ackerly, Arnold, Baker, Banks, Barhite, Barnum, Barrow, Becker, Brown, E. A.; Brown, E. R.; Burr, Cady, Carter, Cassidy, Church, Clark, G. W.; Clark, H. A.; Cochran, Coleman, Cookinham, Cornwell, Countryman, Crosby, Danforth, Davies, J. C.; Deady, Deterling, Deyo, Dickey, Doty, Durfee, Faber, Foote, Forbes, Francis, Frank, Andrew; Frank, Augustus; Fraser, Fuller, O. A.; Galinger, Gilbert, Goeller, Green, A. H.; Hamlin, Hawley, Hecker, Hedges, Hill, Holls, Hottenroth, Jacobs, Johnson, I. Sam; Johnson, J.; Kellogg, Kinkel, Lauterbach, Lester, Lewis, C. H.; Lewis, M. E.; Lincoln, Lyon, Manley, Mantanye, Marshall, Maybee, McDonough, McIntyre, McKinstry, McMillan, Mereness, Moore, Morton, Nichols, W. H.; Nicoll, De L.; Nostrand, O'Brien, Ohmeis, Osborn, Parker, Parkhurst, Parmenter, Pashley, Peck, Phipps, Platzek, Pool, Porter, Powell, Putnam, Roche, Root, Schumaker, Spencer, Springweiler, Steele, A. B.; Steele, W. H.; Storm, Sullivan, W.; Tekulsky, Tibbetts, Titus, Turner, Vedder, Veeder, Vogt, Wellington, Woodward, President — 109.

Noes — Messrs. Abbott, Bigelow, Dean, Peabody — 4.

Mr. I. S. Johson moved that the Convention do now adjourn.

Mr. President put the question on the motion of Mr. Johnson, and it was determined in the negative.

The proposed constitutional amendment, printed No. 453, in words following :

PROPOSED CONSTITUTIONAL AMENDMENT

To Amend Article Eleven of the Constitution, Relating to the Militia.

The Delegates of the People of the State of New York, in Convention assembled, do propose as follows :

Article 11 of the Constitution is hereby amended by striking out all of this article and inserting in lieu thereof the following :

Section 1. All able-bodied male citizens between the ages of eighteen and forty-five years, who are residents of the State, shall constitute the militia, subject however to such exemptions as are now, or may be hereafter created by the laws of the United States, or by the Legislature of this State.

Sec. 2. The Legislature may provide for the enlistment into the active force of all such other persons as may make application to be so enlisted.

Sec. 3. The militia shall be organized and divided into such land and naval, and active and reserve forces, as the Legislature may deem proper, provided, however, that there shall be maintained at all times a force of not less than ten thousand enlisted men, fully uniformed, armed, equipped, disciplined and ready for active service. And it shall be the duty of the Legislature at each session to make sufficient appropriations for the maintenance thereof.

Sec. 4. The Governor shall appoint the chiefs of the several staff departments, his aids-de-camp and military secretary, all of whom shall hold office during his pleasure, their commissions to expire with the term for which the Governor shall have been elected; he shall also nominate, and with the consent of the Senate, appoint all major-generals.

Sec. 5. All other commissioned and non-commissioned officers shall be chosen or appointed in such manner as the Legislature may deem most conducive to the improvement of the militia, provided, however, that no law shall be passed changing the existing mode of election and appointment unless two-thirds of the members present in each house shall concur therein.

Sec. 6. The commissioned officers shall be commissioned by the Governor as commander-in-chief. No commissioned officer shall be removed from office during the term for which he shall have been appointed or elected, unless by the Senate on the recommendation of the Governor, stating the grounds on which such removal is recommended, or by the sentence of a court-martial, or upon the findings of an examining board organized pursuant to law, or for absence without leave for a period of six months or more.

Was read the third time and passed, a majority of all the Delegates elected to the Convention voting in favor thereof.

Ayes — Messrs. Abbott, Acker, Ackerly, Arnold, Baker, Banks, Barhite, Barnum, Barrow, Becker, Bigelow, Blake, Bowers, Brown, E. A.; Brown, E. R.; Burr, Bush, Cady, Carter, Church, Clark, G. W.; Clark, H. A.; Cochran, Cookinham, Cornwell, Crosby, Danforth, Davenport, Davies, J. C.; Deady, Dean, Deyo, Dickey, Durfee, Emmet, Faber, Foote, Francis, Frank, Andrew;

Frank, Augustus; Fraser, Fuller, O. A.; Galinger, Gilbert, Goeller, Green, A. H.; Green, J. I.; Hamlin, Hawley, Hecker, Hedges, Hill, Hotchkiss, Hottenroth, Jacobs, Johnson, I. Sam; Johnson, J.; Kellogg, Kinkel, Lauterbach, Lester, Lewis, C. H.; Lewis, M. E.; Lincoln, Lyon, Manley, Mantanye, Marshall, Maybee, McIntyre, McKinstry, McLaughlin, C. B.; McMillan, Mereness, Moore, Morton, Mulqueen, Nichols, W. H.; Nicoll, De L.; Nostrand, O'Brien, Osborn, Parker, Parmenter, Pashley, Peabody, Peck, Phipps, Platzek, Pool, Putnam, Root, Schumaker, Spencer, Steele, W. H.; Storm, Tekulsky, Vedder, Veeder, Vogt, Woodward, President — 102.

Noes — Messrs. Coleman, McDonough, Springweiler — 3.

Mr. Lyon, from the Committee on Contingent Expenses, reported in words following :

The Committee on Contingent Expenses, to which was referred the annexed resolution, providing for the payment to Joseph Fayel of the sum of six dollars per day during the session on account of services performed by him in the Document Room, would respectfully report :

That said Joseph Fayel was appointed a messenger of the Convention, and as such became entitled to three dollars per day for his services, and that he was thereafter assigned to assist in the work of the Document Room, in accordance with the provisions of Rule 72, authorizing the President of the Convention to detail messengers to render such assistance as might be necessary.

The Committee on Contingent expenses is of the opinion that the Convention has not the power to allow the additional compensation asked for, and reports adversely upon such application.

GEORGE F. LYON,

Chairman.

Mr. E. R. Brown offered a resolution in words following :

Whereas, No provisions were made by the Legislature for the care of the Document Room, and said Document Room having been placed in charge of Joseph Fayel by the Sergeant-at-Arms; therefore,

Resolved, That for the very efficient services which Joseph Fayel has rendered this Convention in the discharge of his duties, that he be paid the sum of six dollars per day for the ses-

sion, the same pay that is paid by the Legislature for the same services rendered.

Referred to the Committee on Contingent Expenses.

On motion of Mr. Veeder, said report was laid on the table.

On motion of Mr. Cady, at 10.55, the Convention adjourned.

Saturday, September 22, 1894.

The Convention met pursuant to adjournment.

Prayer by Rev. A. K. Duff.

On motion of Mr. Acker, the reading of the Journal of Friday, September twenty-second, was dispensed with.

The last Record appearing upon the files of members to-day is of date, August thirtieth, afternoon session.

Mr. Acker offered a resolution in words following:

Resolved, That all the employes of the Convention and of the Secretary be paid to and including to-day; that the services of the Librarian and Assistant Librarian, all the committee clerks and doorkeepers be dispensed with after to-day, and that all the other employes be retained and paid until the final adjournment of the Convention, and that the President be and he is hereby authorized to certify for employes' pay as herein prescribed.

Mr. McMillan moved to amend the resolution of Mr. Acker so that it will read as follows:

Resolved, That all the employes of the Convention and of the Secretary be retained and paid down to the final adjournment of the Convention, and that the President be and he hereby is authorized to certify for the pay of employes as herein prescribed.

Mr. President put the question on the motion of Mr. McMillan, and it was determined in the affirmative.

Mr. President put the question on the resolution as amended, and it was determined in the affirmative.

Mr. Vedder moved that when the Convention adjourn to-day, it be to meet on Thursday evening next at eight o'clock.

Mr. Bowers moved to amend by striking out all after the word "meet" and insert, "on Friday morning next at ten o'clock."

Mr. President put the question on the motion of Mr. Bowers, and it was determined in the negative.

Mr. A. H. Green moved to amend by striking out the words "evening next at eight o'clock," and inserting in lieu thereof, "next at eleven o'clock A. M."

Mr. President put the question on the motion of Mr. A. H. Green, and it was determined in the negative.

Mr. President put the question on the motion of Mr. Vedder, and it was determined in the affirmative.

Mr. J. Johnson moved to take from the table the motion to reconsider the vote by which the proposed constitutional amendment, printed No. 339, "relating to the office of coroner," was passed.

Mr. President put the question on the motion to take from the table, and it was determined in the affirmative.

Mr. J. Johnson then moved to reconsider the vote passing said proposed constitutional amendment.

Mr. President put the question on reconsidering the vote by which the said amendment was passed, and it was determined in the affirmative, a majority of all the Delegates elected to the Convention voting in favor thereof.

Ayes — Messrs. Abbott, Acker, Ackerly, Alvord, Arnold, Baker, Barhite, Barnum, Barrow, Becker, Bigelow, Bowers, Brown, E. A.; Cady, Chipp, Jr.; Clark, G. W.; Clark, H. A.; Cochran, Cookinham, Cornwell, Crosby, Danforth, Davies, J. C.; Dickey, Durfee, Emmet, Faber, Foote, Forbes, Francis, Frank, Augustus; Fraser, Fuller, C. A.; Fuller, O. A.; Galinger, Goodelle, Green, A. H.; Hamlin, Hawley, Hecker, Hedges, Hill, Hirschberg, M. H.; Holls, Hotchkiss, Jacobs, Johnson, I. Sam; Johnson, J.; Kellogg, Kinkel, Lauterbach, Lester, Lincoln, Lyon, Manley, Mantanye, Marshall, McArthur, McKinstry, McLaughlin, C. B.; McMillan, Moore, Morton, Nostrand, O'Brien, Osborn, Parker, Parkhurst, Parmenter, Peck, Phipps, Platzek, Pool, Porter, Powell, Pratt, Putnam, Redman, Roche, Sandford, Spencer, Steele, A. B.; Steele, W. H.; Storm, Sullivan, T. A.; Sullivan, W.; Tekulsky, Tibbetts, Titus, Vedder, Vogt, Wellington, Whitmyer, Woodward, President — 95.

Noes — Messrs. Blake, Burr, Davenport, Deady, Deyo, Durnin, Giegerich, Goeller, Green, J. I.; Griswold, Holcomb, Hottenroth, Mulqueen, Peabody, Rogers, Schumaker, Tucker, Veeder — 18.

Mr. J. Johnson then offered a resolution in words following:

Resolved, That this proposed amendment be recommitted to the Committee on County, Town and Village Officers, with instructions to forthwith report an amendment so that the section shall read as follows:

Section 1 of article 10 is hereby amended so as to read as follows:

Section 1. Sheriffs, clerks and registers of counties and district attorneys, shall be chosen, by the electors of the respective counties, once in every three years and as often as vacancies shall happen, except in the counties of New York and Kings, and in all counties whose boundaries are the same as those of a city, where such officers shall be chosen by the electors once in every two or four years as the Legislature shall direct. Sheriffs shall hold no other office, and be ineligible for the next term after the termination of their offices. They may be required by law to renew their security, from time to time; and in default of giving such new security, their offices shall be deemed vacant. But the county shall never be made responsible for the acts of the sheriff. The Governor may remove any officer, in this section mentioned, within the term for which he shall have been elected; giving to such officer a copy of the charges against him, and an opportunity of being heard in his defense.

Mr. President put the question on the motion of Mr. J. Johnson, and it was determined in the affirmative.

Said proposed constitutional amendment, printed No. 339, as amended, in words following:

PROPOSED CONSTITUTIONAL AMENDMENT

To Amend Article Ten of the Constitution to Do Away With the Office of Coroner as a Constitutional Office.

The Delegates of the People of the State of New York, in Convention assembled, do propose as follows:

Section 1 of article 10 is hereby amended so as to read as follows:

Section 1. Sheriffs, clerks and registers of counties, and district attorneys, shall be chosen, by the electors of the respective counties, once in every three years and as often as vacancies shall happen, except in the counties of New York and Kings, and in all

counties whose boundaries are the same as those of a city where such officers shall be chosen by the electors once in every two or four years as the Legislature shall direct. Sheriffs shall hold no other office, and be ineligible for the next term after the termination of their offices. They may be required by law to renew their security, from time to time; and in default of giving such new security, their offices shall be deemed vacant. But the county shall never be made responsible for the acts of the sheriff. The Governor may remove any officer, in this section mentioned, within the term for which he shall have been elected; giving to such officer a copy of the charges against him, and an opportunity of being heard in his defense.

Was read the third time and passed, a majority of all the Delegates elected to the Convention voting in favor thereof.

Ayes — Messrs. Abbott, Acker, Ackerly, Alvord, Arnold, Baker, Banks, Barnum, Barrow, Becker, Brown, E. A.; Brown, E. R.; Cady, Carter, Church, Clark, G. W.; Clark, H. A.; Coleman, Cookinham, Cornwell, Crosby, Davies, J. C.; Dean, Dickey, Durfee, Faber, Francis, Frank, Andrew; Frank, Augustus; Fraser, Fuller, C. A.; Fuller, O. A.; Galinger, Gibney, Gilbert, Goodelle, Hamlin, Hawley, Hecker, Hedges, Hill, Hirschberg, M. H.; Holls, Hotchkiss, Jacobs, Johnson, I. Sam; Johnson, J.; Kellogg, Kinkel, Lauterbach, Lester, Lewis, C. H.; Lincoln, Lyon, Manley, Mantanye, Marshall, McArthur, McIntyre, McKinstry, McLaughlin, C. B.; McMillan, Moore, Morton, Nostrand, O'Brien, Parker, Parkhurst, Pashley, Phipps, Pool, Porter, Powell, Putnam, Redman, Root, Schumaker, Spencer, Springweiler, Steele, A. B.; Steele, W. H.; Storm, Sullivan, T. A.; Tekulsky, Tibbetts, Vedder, Vogt, Wellington, Whitmyer, Wiggins, Woodward, President — 93.

Noes — Messrs. Blake, Bowers, Burr, Chipp, Jr.; Cochran, Davenport, Deyo, Durnin, Emimet, Forbes, Giegerich, Gilleran, Goeller, Green, A. H.; Green, J. I.; Griswold, Holcomb, Hottenroth, Kerwin, Kimmey, Maybee, McClure, Mulqueen, Nicoll, De L.; Parmenter, Peabody, Peck, Rogers, Sandford, Titus, Tucker, Veeder — 32.

Mr. Cookinham called from the table the resolution offered by him, in words following:

“Resolved, That a committee consisting of ten Delegates be appointed by the President to draft an address to the people of the State, explanatory of the proposed constitutional amend-

ments to be submitted to the popular vote, and that the President be ex officio chairman of such committee."

Mr. Mulqueen moved to amend by inserting after the word "ten" insert the words "to be composed of the Republicans."

Mr. Cookinham moved the previous question.

Mr. President put the question on ordering the previous question, and it was determined in the affirmative.

Mr. President put the question on the motion of Mr. Mulqueen, and it was determined in the negative.

Mr. President put the question on the motion of Mr. Cookinham, and it was determined in the affirmative.

Mr. Lyon, from the Committee on Contingent Expenses, reported the following:

Resolved, That the Secretary of this Convention be and hereby is directed to have printed such additional number of copies of the proposed Constitution as may be necessary to supply each member of the Convention with such number of copies as he wishes for distribution, not exceeding in the aggregate thirty thousand copies. Each member to at once notify the Secretary of the number of copies he wishes; and in the event of the number asked for exceeding thirty thousand copies, the Secretary shall apportion the number allowed among the members asking copies.

Referred to the Committee on Printing.

Mr. Tekulsky offered a resolution in words following:

Whereas, The Committee on Privileges and Elections and the Committee on Contingent Expenses have reported that the claims of Delegates Charles J. Kurth, J. Lott Nostrand, John C. Kinkel, Charles L. Pashley and William Deterling, for expenses and counsel fees in their contests for the seats awarded to them in this Convention, is a just and reasonable one, and

Whereas, It is the sense of this Convention that the said claims should be paid, and

Whereas, The Convention questions its power to make an appropriation to pay the said claim out of the present fund appropriated to the use of this Convention; therefore, be it

Resolved, That the said matter be and the same is hereby respectfully referred to the Legislature of this State, with the recommendation that it provide for the payment of said claims.

Pending the question, Mr. Alvord moved that the Convention now adjourn.

Mr. President put the question on the motion of Mr. Alvord, and it was determined in the negative.

Mr. President put the question on the motion of Mr. Tekulsky, and it was determined in the affirmative.

Mr. Root moved that the Committee on Printing be discharged from the consideration of the resolution offered by Mr. Lyon, relating to printing, and on that motion moved the previous question.

Mr. President put the question on the motion for the previous question, and it was determined in the affirmative.

Mr. President put the question on discharging the Committee on Printing, and it was determined in the affirmative.

Mr. President put the question on the adoption of the resolution, and it was determined in the affirmative.

On motion of Mr. Root, at twelve o'clock, the Convention adjourned.

Thursday, September 27, 1894.

The Convention met pursuant to adjournment.

Prayer by Rev. A. M. Boulgourjoo.

On motion of Mr. Acker, the reading of the Journal of Saturday, September twenty-second, was dispensed with.

On motion of Mr. Bigelow, the privileges of the floor were extended to the Hon. Levi Brown.

The last Record appearing upon the files of members to-day is of date, September third.

The President directed the Secretary to call the roll to ascertain the presence of a quorum, when the following Delegates answered to the call of their names:

Messrs. Abbott, Acker, Allaben, Alvord, Arnold, Baker, Banks, Barhite, Becker, Bigelow, Bowers, Brown, E. A.; Brown, E. R.; Burr, Cady, Campbell, Carter, Chipp, Jr.; Clark, G. W.; Clark, H. A.; Coleman, Cookinham, Cornwell, Crosby, Danforth, Davenport, Davies, J. C.; Davis, G. A.; Deady, Dean, Deterling, Deyo, Dickey, Doty, Durnin, Emmet, Faber, Floyd, Foote, Forbes,

Frank, Andrew; Fraser, Fuller, C. A.; Gibney, Giegerich, Gileran, Goeller, Goodelle, Green, A. H.; Green, J. I.; Griswold, Hawley, Hecker, Hedges, Hill, Hirschberg, M. H.; Holcomb, Holls, Hottenroth, Jacobs, Jenks, Kellogg, Lewis, C. H.; Lewis, M. E.; Lincoln, Lyon, Manley, Mantanye, Marshall, McClure, McDonough, McIntyre, McKinstry, McLaughlin, C. B.; McMillan, Mereness, Moore, Morton, Nostrand, O'Brien, Ohmeis, Osborn, Parker, Parmenter, Peabody, Peck, Platzek, Porter, Powell, Roche, Rogers, Root, Sanford, Schumaker, Smith, Speer, Springweiler, Steele, A. B.; Steele, W. H.; Storm, Sullivan, T. A.; Tibbetts, Titus, Tucker, Turner, Vedder, Veeder, Vogt, Wellington, Whitmyer, Wiggins, Woodward, President.

Mr. President announced the following as the Committee on Address to the People: Messrs. Cookinham, Acker, Root, Hirschberg, E. R. Brown, C. B. McLaughlin, McMillan, Bigelow, Jenks, Maybee.

Mr. Foote, from the Committee on Revision and Engrossment, reported as follows:

To the Convention:

The Committee on Revision and Engrossment call attention to the following changes and corrections made by the committee in preparing the final draft of the Revised Constitution:

The reasons for the several changes and corrections, except as stated below, are apparent, and seem to require no explanation from the committee.

The location in the Revised Constitution of the several new amendments adopted by the Convention are shown in the schedule attached to the printed copy of document No. 72, submitted with this report.

The committee have transferred section 9 of article 1 to section 20 of article 3, and section 8 of article 7 to section 1 of article 3.

Have stricken out of the last sentence of section 2 of article 2 the words after "Legislature," "at the session thereof next after the adoption of this section," and, after the word "shall," the words, "and from time to time thereafter may."

Have inserted the words "or Amsterdam" after "Tenth," in the description of the street called "Tenth avenue," in Senate districts Seventeen and Nineteen, and the words "or Columbus" after "Ninth," in the description of Senate districts Seventeen and Nineteen, and the words "or Park" after "Fourth," in the

description of Senate districts Nineteen, Twenty and Twenty-one, for the reason that the latter names seem to be the legal names of these streets in this locality, though they are popularly called by the former names.

Have inserted after the description of Senate district Twenty the following clause: "All of the above districts in the county of New York, bounded upon or along the boundary waters of the county, shall be deemed to extend to the county line," for the reason that the county of New York extends across some, if not all, of these boundary waters.

Have also changed the concluding sentence of the description of Senate district Twenty-one by inserting in place of "all that part of the city of New York lying north and east of Harlem river" the following: "All that part of the county of New York not hereinbefore described," thus making this description correspond, in form, with the description of the last Senate district in the county of Erie.

Have substituted in section 18 of article 3 "Appellate Division" for "General Term," and "department" for "district."

Have changed in section 29 of article 3, "No person in such prisons, penitentiaries, jails or reformatories" to "No person in any such prison, penitentiary, jail or reformatory."

Have omitted in section 3 of article 5 the following clause: "The office of Canal Commissioner is abolished from and after the appointment and qualification of the Superintendent of Public Works, until which time the Canal Commissioners shall continue to discharge their duties as required by law," and have inserted the word "former" before "Canal Commissioners" in the next sentence.

Have omitted in section 4 of article 5 the clause, "from and after the time when such Superintendent of State Prisons shall have been appointed and qualified, the office of Inspector of State Prisons shall and hereby is abolished," and in the preceding sentence have changed "or have heretofore been" to "were formerly."

Have substituted in section 5 of article 5, "Superintendent of Public Works" for "Canal Commissioners," at the end of the section.

Have struck out in section 6 of article 7 (old section 14 of article 7) the words "Canal Appraisers," and, also, the clause, "the limitation of existing claims shall begin to run from the

adoption of this section; but." Also, the words, "to revive claims already barred by existing statutes; nor," in the same sentence.

Have made the proposed amendment as to canal improvement a separate section, being section 10 of article 7.

Have changed "created by" to "mentioned in," after the word "board," in line 6 of section 15 of article 7.

Have changed the first two lines of section 1 of article 10 so as to read as follows: "Sheriffs, clerks of counties, district attorneys and registers in counties having registers." And in line 5 of same section have omitted "all" before the word "counties."

Have stricken out the word "all" before "such" in line 2 of section 2 of article 11.

Have transferred section 9 of article 8 to section 1 of article 12.

Have inserted in section 3 of article 12 the words "of the third class, or" in place of "the population of which, according to the latest State enumeration, from time to time made, is less than fifty thousand; nor"

Have transferred section 1 of article 12 to section 1 of article 13, and section 1, section 2, section 3 of article 15 to section 2, section 3, section 4 of article 13, and section 4 of article 15 to section 6 of article 13.

Have inserted in section 2 of article 13 (page 103, line 11), after the word "Delegate" the following: "Elected to the Convention."

Have also changed the numbers of some of the later articles in the Constitution so as to put the subject-matter in a more logical order, as for example: Article 12, prescribing oaths of office, is now devoted to cities, and the provisions as to oaths of office (formerly article 12), and as to bribery (formerly article 15) are grouped together in article 13, while the provision as to future amendments (formerly article 13) now constitute article 14. While the time when the Constitution shall take effect, formerly the last section of article 14, now makes article 15, and is the final section of the Revised Constitution.

Albany, September 27, 1894.

Respectfully submitted.

NATHANIEL FOOTE,

Chairman.

Mr. Foote, from the Committee on Revision and Engrossment, then presented an engrossed copy of the Constitution, which the President directed the Secretary to read, in words following:

We, the people of the State of New York, grateful to Almighty God for our freedom, in order to secure its blessings, do establish this Constitution.

ARTICLE I.

Section 1. No member of this State shall be disfranchised, or deprived of any of the rights or privileges secured to any citizen thereof, unless by the law of the land, or the judgment of his peers.

Section 2. The trial by jury in all cases in which it has been heretofore used shall remain inviolate forever; but a jury trial may be waived by the parties in all civil cases in the manner to be prescribed by law.

Section 3. The free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever be allowed in this State to all mankind; and no person shall be rendered incompetent to be a witness on account of his opinions on matters of religious belief; but the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace or safety of this State.

Section 4. The privilege of the writ of habeas corpus shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require its suspension.

Section 5. Excessive bail shall not be required nor excessive fines imposed, nor shall cruel and unusual punishments be inflicted, nor shall witnesses be unreasonably detained.

Section 6. No person shall be held to answer for a capital or otherwise infamous crime (except in cases of impeachment, and in cases of militia when in actual service, and the land and naval forces in time of war, or which this State may keep with the consent of Congress in time of peace, and in cases of petit larceny, under the regulation of the Legislature), unless on presentment or indictment of a grand jury, and in any trial in any court whatever the party accused shall be allowed to appear and defend in person and with counsel as in civil actions. No person shall be subject to be twice put in jeopardy for the same

offense; nor shall he be compelled in any criminal case to be a witness against himself; nor be deprived of life, liberty or property without due process of law; nor shall private property be taken for public use without just compensation.

Section 7. When private property shall be taken for any public use, the compensation to be made therefor, when such compensation is not made by the State, shall be ascertained by a jury, or by not less than three commissioners appointed by a court of record, as shall be prescribed by law. Private roads may be opened in the manner to be prescribed by law; but in every case the necessity of the road and the amount of all damage to be sustained by the opening thereof shall be first determined by a jury of freeholders, and such amount, together with the expenses of the proceeding, shall be paid by the person to be benefited. General laws may be passed permitting the owners or occupants of agricultural lands to construct and maintain for the drainage thereof, necessary drains, ditches and dykes upon the lands of others, under proper restrictions and with just compensation, but no special laws shall be enacted for such purposes.

Section 8. Every citizen may freely speak, write and publish his sentiments on all subjects, being responsible for the abuse of that right; and no law shall be passed to restrain or abridge the liberty of speech or of the press. In all criminal prosecutions or indictments for libels, the truth may be given in evidence to the jury; and if it shall appear to the jury that the matter charged as libelous is true, and was published with good motives and for justifiable ends, the party shall be acquitted; and the jury shall have the right to determine the law and the fact.

Section 9. No law shall be passed abridging the right of the people peaceably to assemble and to petition the government, or any department thereof; nor shall any divorce be granted otherwise than by due judicial proceedings; nor shall any lottery or the sale of lottery tickets, pool-selling, book-making, or any other kind of gambling hereafter be authorized or allowed within this State; and the Legislature shall pass appropriate laws to prevent offenses against any of the provisions of this section.

Section 10. The people of this State, in their right of sovereignty, are deemed to possess the original and ultimate property in and to all lands within the jurisdiction of the State; and all lands

the title to which shall fail, from a defect of heirs, shall revert, or escheat to the people.

Section 11. All feudal tenures of every description, with all their incidents, are declared to be abolished, saving however, all rents and services certain which at any time heretofore have been lawfully created or reserved.

Section 12. All lands within this State are declared to be allodial, so that, subject only to the liability to escheat, the entire and absolute property is vested in the owners, according to the nature of their respective estates.

Section 13. No lease or grant of agricultural land, for a longer period than twelve years, hereafter made, in which shall be reserved any rent or service of any kind, shall be valid.

Section 14. All fines, quarter sales, or other like restraints upon alienation, reserved in any grant of land hereafter to be made, shall be void.

Section 15. No purchase or contract for the sale of lands in this State, made since the fourteenth day of October, one thousand seven hundred and seventy-five; or which may hereafter be made, of, or with the Indians, shall be valid, unless made under the authority, and with the consent of the Legislature.

Section 16. Such parts of the common law, and of the acts of the Legislature of the colony of New York, as together did form the law of the said colony, on the nineteenth day of April, one thousand seven hundred and seventy-five, and the resolutions of the Congress of the said colony, and of the convention of the State of New York, in force on the twentieth day of April, one thousand seven hundred and seventy-seven, which have not since expired, or been repealed or altered; and such acts of the Legislature of this State as are now in force, shall be and continue the law of this State, subject to such alterations as the Legislature shall make concerning the same. But all such parts of the common law, and such of the said acts, or parts thereof, as are repugnant to this Constitution, are hereby abrogated.

Section 17. All grants of land within this State, made by the king of Great Britain, or persons acting under his authority, after the fourteenth day of October, one thousand seven hundred and seventy-five, shall be null and void; but nothing contained in this Constitution shall affect any grants of land within this State,

made by the authority of the said king or his predecessors, or shall annul any charters to bodies politic and corporate, by him or them made, before that day; or shall affect any such grants or charters since made by this State, or by persons acting under its authority; or shall impair the obligation of any debts contracted by the State, or individuals, or bodies corporate, or any other rights of property, or any suits, actions, rights of action, or other proceedings in courts of justice.

Section 18. The right of action now existing to recover damages for injuries resulting in death, shall never be abrogated; and the amount recoverable shall not be subject to any statutory limitation.

ARTICLE II.

Section 1. Every male citizen of the age of twenty-one years, who shall have been a citizen for ninety days, and an inhabitant of this State one year next preceding an election, and for the last four months a resident of the county and for the last thirty days a resident of the election district in which he may offer his vote, shall be entitled to vote at such election in the election district of which he shall at the time be a resident, and not elsewhere, for all officers that now are or hereafter may be elective by the people; and upon all questions which may be submitted to the vote of the people, provided that in time of war no elector in the actual military service of the State, or of the United States, in the army or navy thereof, shall be deprived of his vote by reason of his absence from such election district; and the Legislature shall have power to provide the manner in which and the time and place at which such absent electors may vote, and for the return and canvass of their votes in the election districts in which they respectively reside.

Section 2. No person who shall receive, accept, or offer to receive or pay, offer or promise to pay, contribute, offer or promise to contribute to another, to be paid or used, any money or other valuable thing as a compensation or reward for the giving or withholding a vote at an election, or who shall make any promise to influence the giving or withholding any such vote, or who shall make or become directly or indirectly interested in any bet or wager depending upon the result of any election, shall vote at such election; and upon challenge for such cause, the person so challenged, before the officers authorized for that purpose shall

receive his vote, shall swear or affirm before such officers that he has not received or offered, does not expect to receive, has not paid, offered or promised to pay, contributed, offered or promised to contribute to another, to be paid or used, any money or other valuable thing as a compensation or reward for the giving or withholding a vote at such election, and has not made any promise to influence the giving or withholding of any such vote, nor made or become directly or indirectly interested in any bet or wager depending upon the result of such election. The Legislature shall enact laws excluding from the right of suffrage all persons convicted of bribery or of any infamous crime.

Section 3. For the purpose of voting, no person shall be deemed to have gained or lost a residence, by reason of his presence or absence, while employed in the service of the United States; nor while engaged in the navigation of the waters of this State, or of the United States, or of the high seas; nor while a student of any seminary of learning; nor while kept at any alms-house, or other asylum, or institution wholly or partly supported at public expense, or by charity; nor while confined in any public prison.

Section 4. Laws shall be made for ascertaining, by proper proofs, the citizens who shall be entitled to the right of suffrage hereby established, and for the registration of voters; which registration shall be completed at least ten days before each election. Such registration shall not be required for town and village elections except by express provision of law. In cities and villages having five thousand inhabitants or more, according to the last preceding State enumeration of inhabitants, voters shall be registered upon personal application only; but voters not residing in such cities or villages shall not be required to apply in person for registration at the first meeting of the officers having charge of the registry of voters.

Section 5. All elections by the citizens, except for such town officers as may by law be directed to be otherwise chosen, shall be by ballot, or by such other method as may be prescribed by law, provided that secrecy in voting be preserved.

Section 6. All laws creating, regulating or affecting boards of officers charged with the duty of registering voters, or of distributing ballots at the polls to voters, or of receiving, recording or counting votes at elections, shall secure equal representation

of the two political parties which, at the general election next preceding that for which such boards or officers are to serve, cast the highest and the next highest number of votes. All such boards and officers shall be appointed or elected in such manner, and upon the nomination of such representatives of said parties respectively, as the Legislature may direct. Existing laws on this subject shall continue until the Legislature shall otherwise provide. This section shall not apply to town meetings, or to village elections.

ARTICLE III.

Section 1. The legislative power of this State shall be vested in the Senate and Assembly.

Section 2. The Senate shall consist of fifty members, except as hereinafter provided. The Senators elected in the year one thousand eight hundred and ninety-five shall hold their offices for three years, and their successors shall be chosen for two years. The Assembly shall consist of one hundred and fifty members who shall be chosen for one year.

Section 3. The State shall be divided into fifty districts to be called Senate districts, each of which shall choose one Senator. The districts shall be numbered from one to fifty, inclusive.

District number one (1) shall consist of the counties of Suffolk and Richmond.

District number two (2) shall consist of the county of Queens.

District number three (3) shall consist of that part of the county of Kings comprising the first, second, third, fourth, fifth and sixth wards of the city of Brooklyn.

District number four (4) shall consist of that part of the county of Kings comprising the seventh, thirteenth, nineteenth and twenty-first wards of the city of Brooklyn.

District number five (5) shall consist of that part of the county of Kings comprising the eighth, tenth, twelfth and thirtieth wards of the city of Brooklyn, and the ward of the city of Brooklyn which was formerly the town of Gravesend.

District number six (6) shall consist of that part of the county of Kings comprising the ninth, eleventh, twentieth and twenty-second wards of the city of Brooklyn.

District number seven (7) shall consist of that part of the county of Kings comprising the fourteenth, fifteenth, sixteenth and seventeenth wards of the city of Brooklyn.

District number eight (8) shall consist of that part of the county of Kings comprising the twenty-third, twenty-fourth, twenty-fifth and twenty-ninth wards of the city of Brooklyn, and the town of Flatlands.

District number nine (9) shall consist of that part of the county of Kings comprising the eighteenth, twenty-sixth, twenty-seventh and twenty-eighth wards of the city of Brooklyn.

District number ten (10) shall consist of that part of the county of New York within and bounded by a line beginning at Canal street and the Hudson river, and running thence along Canal street, Hudson street, Dominick street, Varick street, Broome street, Sullivan street, Spring street, Broadway, Canal street, the Bowery, Division street, Grand street and Jackson street, to the East river and thence around the southern end of Manhattan Island, to the place of beginning, and also Governor's, Bedlow's and Ellis islands.

District number eleven (11) shall consist of that part of the county of New York lying north of district number ten, and within and bounded by a line beginning at the junction of Broadway and Canal street, and running thence along Broadway, Fourth street, the Bowery and Third avenue, St. Mark's place, Avenue A, Seventh street, Avenue B, Clinton street, Rivington street, Norfolk street, Division street, Bowery and Canal street, to the place of beginning.

District number twelve (12) shall consist of that part of the county of New York lying north of districts numbers ten and eleven and within and bounded by a line beginning at Jackson street and the East river, and running thence through Jackson street, Grand street, Division street, Norfolk street, Rivington street, Clinton street, Avenue B, Seventh street, Avenue A, St. Mark's place, Third avenue, East Fourteenth street to the East river, and along the East river, to the place of beginning.

District number thirteen (13) shall consist of that part of the county of New York lying north of district number ten, and within and bounded by a line beginning at the Hudson river at the foot of Canal street, and running thence along Canal street,

Hudson street, Dominick street, Varick street, Broome street, Sullivan street, Spring street, Broadway, Fourth street, the Bowery and Third avenue, Fourteenth street, Sixth avenue, West Fifteenth street, Seventh avenue, West Nineteenth street, Eighth avenue, West Twentieth street, and the Hudson river, to the place of beginning.

District number fourteen (14) shall consist of that part of the county of New York lying north of districts numbers twelve and thirteen, and within and bounded by a line beginning at East Fourteenth street and the East river, and running thence along East Fourteenth street, Irving place, East Nineteenth street, Third avenue, East Twenty-third street, Lexington avenue, East Fifty-third street, Third avenue, East Fifty-second street, and the East river, to the place of beginning.

District number fifteen (15) shall consist of that part of the county of New York lying north of district number thirteen, and within and bounded by a line beginning at the junction of West Fourteenth street and Sixth avenue, and running thence along Sixth avenue, West Fifteenth street, Seventh avenue, West Fortieth street, Eighth avenue, and the transverse road across Central park at Ninety-seventh street, Fifth avenue, East Ninety-sixth street, Lexington avenue, East Twenty-third street, Third avenue, East Nineteenth street, Irving place and Fourteenth street, to the place of beginning.

District number sixteen (16) shall consist of that part of the county of New York lying north of district number thirteen, and within and bounded by a line beginning at Seventh avenue and West Nineteenth street, and running thence along West Nineteenth street, Eighth avenue, West Twentieth street, the Hudson river, West Forty-sixth street, Tenth avenue, West Forty-third street, Eighth avenue, West Fortieth street and Seventh avenue, to the place of beginning.

District number seventeen (17) shall consist of that part of the county of New York lying north of district number sixteen, and within and bounded by a line beginning at the junction of Eighth avenue and West Forty-third street, and running thence along West Forty-third street, Tenth avenue, West Forty-sixth street, the Hudson river, West Eighty-ninth street, Tenth or Amsterdam avenue,

West Eighty-sixth street, Ninth or Columbus avenue, West Eighty-first street and Eighth avenue, to the place of beginning.

District number eighteen (18) shall consist of that part of the county of New York lying north of district number fourteen, and within and bounded by a line beginning at the junction of East Fifty-second street and the East river, and running thence along East Fifty-second street, Third avenue, East Fifty-third street, Lexington avenue, East Eighty-fourth street, Second avenue, East Eighty-third street and the East river, to the place of beginning; and also Blackwell's island.

District number nineteen (19) shall consist of that part of the county of New York lying north of district number seventeen, and within and bounded by a line beginning at West Eighty-ninth street and the Hudson river, and running thence along the Hudson river and Spuyten Duyvil creek around the northern end of Manhattan island; thence southerly along the Harlem river to the north end of Fifth avenue; thence along Fifth avenue, East One Hundred and Twenty-ninth street, Fourth or Park avenue, East One Hundred and Tenth street, Fifth avenue, the transverse road across Central park at Ninety-seventh street, Eighth avenue, West Eighty-first street, Ninth or Columbus avenue, West Eighty-sixth street, Tenth or Amsterdam avenue and West Eighty-ninth street, to the place of beginning.

District number twenty (20) shall consist of that part of the county of New York lying north of districts numbers eighteen and fifteen, and within and bounded by a line beginning at East Eighty-third street and the East river, running thence through East Eighty-third street, Second avenue, East Eighty-fourth street, Lexington avenue, East Ninety-sixth street, Fifth avenue, East One Hundred and Tenth street, Fourth or Park avenue, East One Hundred and Nineteenth street to the Harlem river, and along the Harlem and East rivers, to the place of beginning; and also Randall's island and Ward's island.

All of the above districts in the county of New York bounded upon or along the boundary waters of the county, shall be deemed to extend to the county line.

District number twenty-one (21) shall consist of that part of the county of New York lying north of districts numbers nineteen and twenty, within and bounded by a line beginning at East One

Hundred and Nineteenth street and the Harlem river, and running thence along East One Hundred and Nineteenth street, Fourth or Park avenue, One Hundred and Twenty-ninth street, Fifth avenue and the Harlem river, to the place of beginning; and all that part of the county of New York not hereinbefore described.

District number twenty-two (22) shall consist of the county of Westchester.

District number twenty-three (23) shall consist of the counties of Orange and Rockland.

District number twenty-four (24) shall consist of the counties of Dutchess, Columbia and Putnam.

District number twenty-five (25) shall consist of the counties of Ulster and Greene.

District number twenty-six (26) shall consist of the counties of Delaware, Chenango and Sullivan.

District number twenty-seven (27) shall consist of the counties of Montgomery, Fulton, Hamilton and Schoharie.

District number twenty-eight (28) shall consist of the counties of Saratoga, Schenectady and Washington.

District number twenty-nine (29) shall consist of the county of Albany.

District number thirty (30) shall consist of the county of Rensselaer.

District number thirty-one (31) shall consist of the counties of Clinton, Essex and Warren.

District number thirty-two (32) shall consist of the counties of St. Lawrence and Franklin.

District number thirty-three (33) shall consist of the counties of Otsego and Herkimer.

District number thirty-four (34) shall consist of the county of Oneida.

District number thirty-five (35) shall consist of the counties of Jefferson and Lewis.

District number thirty-six (36) shall consist of the county of Onondaga.

District number thirty-seven (37) shall consist of the counties of Oswego and Madison.

District number thirty-eight (38) shall consist of the counties of Broome, Cortland and Tioga.

District number thirty-nine (39) shall consist of the counties of Cayuga and Seneca.

District number forty (40) shall consist of the counties of Chemung, Tompkins and Schuyler.

District number forty-one (41) shall consist of the counties of Steuben and Yates.

District number forty-two (42) shall consist of the counties of Ontario and Wayne.

District number forty-three (43) shall consist of that part of the county of Monroe comprising the towns of Brighton, Henrietta, Irondequoit, Mendon, Penfield, Perinton, Pittsford, Rush and Webster, and the fourth, sixth, seventh, eighth, twelfth, thirteenth, fourteenth, sixteenth, seventeenth and eighteenth wards of the city of Rochester, as at present constituted.

District number forty-four (44) shall consist of that part of the county of Monroe comprising the towns of Chili, Clarkson, Gates, Greece, Hamlin, Ogden, Parma, Riga, Sweden and Wheatland, and the first, second, third, fifth, ninth, tenth, eleventh, fifteenth, nineteenth and twentieth wards of the city of Rochester, as at present constituted.

District number forty-five (45) shall consist of the counties of Niagara, Genesee and Orleans.

District number forty-six (46) shall consist of the counties of Allegany, Livingston and Wyoming.

District number forty-seven (47) shall consist of that part of the county of Erie comprising the first, second, third, sixth, fifteenth, nineteenth, twentieth, twenty-first, twenty-second, twenty-third and twenty-fourth wards of the city of Buffalo, as at present constituted.

District number forty-eight (48) shall consist of that part of the county of Erie comprising the fourth, fifth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth and sixteenth wards of the city of Buffalo, as at present constituted.

District number forty-nine (49) shall consist of that part of the county of Erie comprising the seventeenth, eighteenth and twenty-fifth wards of the city of Buffalo, as at present constituted; and

all the remainder of the said county of Erie not hereinbefore described.

District number fifty (50) shall consist of the counties of Chautauqua and Cattaraugus.

Section 4. An enumeration of the inhabitants of the State shall be taken under the direction of the Secretary of State, during the months of May and June, in the year one thousand nine hundred and five, and in the same months every tenth year thereafter; and the said districts shall be so altered by the Legislature at the first regular session after the return of every enumeration, that each Senate district shall contain as nearly as may be an equal number of inhabitants, excluding aliens, and be in as compact form as practicable, and shall remain unaltered until the return of another enumeration, and shall at all times, consist of contiguous territory, and no county shall be divided in the formation of a Senate district except to make two or more Senate districts wholly in such county. No town, and no block in a city inclosed by streets or public ways, shall be divided in the formation of Senate districts; nor shall any district contain a greater excess in population over an adjoining district in the same county, than the population of a town or block therein, adjoining such district. Counties, towns or blocks which, from their location, may be included in either of two districts, shall be so placed as to make said districts most nearly equal in number of inhabitants, excluding aliens.

No county shall have four or more Senators unless it shall have a full ratio for each Senator. No county shall have more than one-third of all the Senators; and no two counties or the territory thereof as now organized, which are adjoining counties, or which are separated only by public waters, shall have more than one-half of all the Senators.

The ratio for apportioning Senators shall always be obtained by dividing the number of inhabitants, excluding aliens, by fifty, and the Senate shall always be composed of fifty members, except that if any county having three or more Senators at the time of any apportionment shall be entitled on such ratio to an additional Senator or Senators, such additional Senator or Senators shall be given to such county in addition to the fifty Senators, and the whole number of Senators shall be increased to that extent.

Section 5. The members of the Assembly shall be chosen by single districts, and shall be apportioned by the Legislature at the first regular session after the return of every enumeration among the several counties of the State, as nearly as may be according to the number of their respective inhabitants, excluding aliens. Every county heretofore established and separately organized, except the county of Hamilton, shall always be entitled to one member of Assembly, and no county shall hereafter be erected unless its population shall entitle it to a member. The county of Hamilton shall elect with the county of Fulton, until the population of the county of Hamilton shall, according to the ratio, entitle it to a member. But the Legislature may abolish the said county of Hamilton and annex the territory thereof to some other county or counties.

The quotient obtained by dividing the whole number of inhabitants of the State, excluding aliens, by the number of members of Assembly, shall be the ratio for apportionment, which shall be made as follows: One member of Assembly shall be apportioned to every county, including Fulton and Hamilton as one county, containing less than the ratio and one-half over. Two members shall be apportioned to every other county. The remaining members of Assembly shall be apportioned to the counties having more than two ratios according to the number of inhabitants, excluding aliens. Members apportioned on remainders shall be apportioned to the counties having the highest remainders in the order thereof respectively. No county shall have more members of Assembly than a county having a greater number of inhabitants, excluding aliens.

Until after the next enumeration, members of the Assembly shall be apportioned to the several counties as follows: Albany county, four members; Allegany county, one member; Broome county, two members; Cattaraugus county, two members; Cayuga county, two members; Chautauqua county, two members; Chemung county, one member; Chenango county, one member; Clinton county, one member; Columbia county, one member; Cortland county, one member; Delaware county, one member; Dutchess county, two members; Erie county, eight members; Essex county, one member; Franklin county, one member; Fulton and Hamilton counties, one member; Genesee county, one member; Greene county, one member; Herkimer county, one member; Jefferson county, two members; Kings county, twenty-one members; Lewis

county, one member; Livingston county, one member; Madison county, one member; Monroe county, four members; Montgomery county, one member; New York county, thirty-five members; Niagara county, two members; Oneida county, three members; Onondaga county, four members; Ontario county, one member; Orange county, two members; Orleans county, one member; Oswego county, two members; Otsego county, one member; Putnam county, one member; Queens county, three members; Rensselaer county, three members; Richmond county, one member; Rockland county, one member; St. Lawrence county, two members; Saratoga county, one member; Schenectady county, one member; Schoharie county, one member; Schuyler county, one member; Seneca county, one member; Steuben county, two members; Suffolk county, two members; Sullivan county, one member; Tioga county, one member; Tompkins county, one member; Ulster county, two members; Warren county, one member; Washington county, one member; Wayne county, one member; Westchester county, three members; Wyoming county, one member, and Yates county, one member.

In any county entitled to more than one member, the board of supervisors, and in any city embracing an entire county and having no board of supervisors, the common council, or if there be none, the body exercising the powers of a common council, shall assemble on the second Tuesday of June, one thousand eight hundred and ninety-five, and at such times as the Legislature making an apportionment shall prescribe, and divide such counties into Assembly districts as nearly equal in number of inhabitants, excluding aliens, as may be, of convenient and contiguous territory in as compact form as practicable, each of which shall be wholly within a Senate district formed under the same apportionment, equal to the number of members of Assembly to which such county shall be entitled, and shall cause to be filed in the office of the Secretary of State and of the clerk of such county, a description of such districts, specifying the number of each district and of the inhabitants thereof, excluding aliens, according to the last preceding enumeration; and such apportionment and districts shall remain unaltered until another enumeration shall be made, as herein provided; but said division of the city of Brooklyn and the county of Kings to be made on the second Tuesday of June, one thousand

eight hundred and ninety-five, shall be made by the common council of the said city and the board of supervisors of said county, assembled in joint session. In counties having more than one Senate district, the same number of Assembly districts shall be put in each Senate district, unless the Assembly districts cannot be evenly divided among the Senate districts of any county, in which case one more Assembly district shall be put in the Senate district in such county having the largest, or one less Assembly district shall be put in the Senate district in such county having the smallest number of inhabitants, excluding aliens, as the case may require. No town, and no block in a city inclosed by streets or public ways, shall be divided in the formation of Assembly districts, nor shall any district contain a greater excess in population over an adjoining district in the same Senate district, than the population of a town or block therein adjoining such assembly district. Towns or blocks which, from their location, may be included in either of two districts, shall be so placed as to make said districts most nearly equal in number of inhabitants, excluding aliens; but in the division of cities under the first apportionment, regard shall be had to the number of inhabitants, excluding aliens, of the election districts according to the State enumeration of one thousand eight hundred and ninety-two, so far as may be, instead of blocks. Nothing in this section shall prevent the division, at any time, of counties and towns, and the erection of new towns by the Legislature.

An apportionment by the Legislature, or other body, shall be subject to review by the Supreme Court, at the suit of any citizen, under such reasonable regulations as the Legislature may prescribe; and any court before which a cause may be pending involving an apportionment, shall give precedence thereto over all other causes and proceedings, and if said court be not in session it shall convene promptly for the disposition of the same.

Section 6. Each member of the Legislature shall receive for his services an annual salary of one thousand five hundred dollars. The members of either house shall also receive the sum of one dollar for every ten miles they shall travel in going to and returning from their place of meeting, once in each session, on the most usual route. Senators, when the Senate alone is convened in extraordinary session, or when serving as members of the Court for the Trial of Impeachments, and such members of

the Assembly, not exceeding nine in number, as shall be appointed managers of an impeachment, shall receive an additional allowance of ten dollars a day.

Section 7. No member of the Legislature shall receive any civil appointment within this State, or the Senate of the United States, from the Governor, the Governor and Senate, or from the Legislature, or from any city government, during the time for which he shall have been elected; and all such appointments and all votes given for any such member for any such office or appointment shall be void.

Section 8. No person shall be eligible to the Legislature, who at the time of his election, is, or within one hundred days previous thereto has been, a member of Congress, a civil or military officer under the United States, or an officer under any city government. And if any person shall, after his election as a member of the Legislature, be elected to Congress, or appointed to any office, civil or military, under the government of the United States, or under any city government, his acceptance thereof shall vacate his seat.

Section 9. The election of Senators and members of Assembly, pursuant to the provisions of this Constitution, shall be held on the Tuesday succeeding the first Monday of November, unless otherwise directed by the Legislature.

Section 10. A majority of each house shall constitute a quorum to do business. Each house shall determine the rules of its own proceedings, and be the judge of the elections, returns and qualifications of its own members; shall choose its own officers; and the Senate shall choose a temporary President to preside in case of the absence or impeachment of the Lieutenant-Governor or when he shall refuse to act as President or shall act as Governor.

Section 11. Each house shall keep a journal of its proceedings, and publish the same, except such parts as may require secrecy. The doors of each house shall be kept open, except when the public welfare shall require secrecy. Neither house shall, without the consent of the other, adjourn for more than two days.

Section 12. For any speech or debate in either house of the Legislature, the members shall not be questioned in any other place.

Section 13. Any bill may originate in either house of the Legislature, and all bills passed by one house may be amended by the other.

Section 14. The enacting clause of all bills shall be "The People of the State of New York, represented in Senate and Assembly, do enact as follows," and no law shall be enacted except by bill.

Section 15. No bill shall be passed or become a law unless it shall have been printed and upon the desks of the members, in its final form, at least three calendar legislative days prior to its final passage, unless the Governor, or the acting Governor, shall have certified to the necessity of its immediate passage, under his hand and the seal of the State; nor shall any bill be passed or become a law, except by the assent of a majority of the members elected to each branch of the Legislature; and upon the last reading of a bill, no amendment thereof shall be allowed, and the question upon its final passage shall be taken immediately thereafter and the yeas and nays entered on the Journal.

Section 16. No private or local bill, which may be passed by the Legislature, shall embrace more than one subject, and that shall be expressed in the title.

Section 17. No act shall be passed which shall provide that any existing law, or any part thereof, shall be made or deemed a part of said act, or which shall enact that any existing law, or part thereof, shall be applicable, except by inserting it in such act.

Section 18. The Legislature shall not pass a private or local bill in any of the following cases :

Changing the names of persons.

Laying out, opening, altering, working or discontinuing roads, highways or alleys, or for draining swamps or other low lands.

Locating or changing county seats.

Providing for changes of venue in civil or criminal cases.

Incorporating villages.

Providing for election of members of boards of supervisors.

Selecting, drawing, summoning or impaneling grand or petit jurors.

Regulating the rate of interest on money.

The opening and conducting of elections or designating places of voting.

Creating, increasing or decreasing fees, percentage or allowances of public officers, during the term for which said officers are elected or appointed.

Granting to any corporation, association or individual the right to lay down railroad tracks.

Granting to any private corporation, association or individual any exclusive privilege, immunity or franchise whatever.

Providing for building bridges, and chartering companies for such purposes, except on the Hudson river below Waterford, and on the East river, or over the waters forming a part of the boundaries of the State.

The Legislature shall pass general laws providing for the cases enumerated in this section, and for all other cases which in its judgment may be provided for by general laws. But no law shall authorize the construction or operation of a street railroad except upon the condition that the consent of the owners of one-half in value of the property bounded on, and the consent also of the local authorities having the control of, that portion of a street or highway upon which it is proposed to construct or operate such railroad be first obtained, or in case the consent of such property owners cannot be obtained, the Appellate Division of the Supreme Court, in the department in which it is proposed to be constructed, may, upon application, appoint three commissioners who shall determine, after a hearing of all parties interested, whether such railroad ought to be constructed or operated, and their determination, confirmed by the court, may be taken in lieu of the consent of the property owners.

Section 19. The Legislature shall neither audit nor allow any private claim or account against the State, but may appropriate money to pay such claims as shall have been audited and allowed according to law.

Section 20. The assent of two-thirds of the members elected to each branch of the Legislature shall be requisite to every bill appropriating the public moneys or property for local or private purposes.

Section 21. No money shall ever be paid out of the treasury of this State, or any of its funds, or any of the funds under its management, except in pursuance of an appropriation by law; nor unless such payment be made within two years next after the passage of such appropriation act; and every such law making a new appropriation, or continuing or reviving an appropriation, shall distinctly specify the sum appropriated, and the object to which it is to be applied; and it shall not be sufficient for such law to refer to any other law to fix such sum.

Section 22. No provision or enactment shall be embraced in the annual appropriation or supply bill, unless it relates specifically to some particular appropriation in the bill; and any such provision or enactment shall be limited in its operation to such appropriation.

Section 23. Sections seventeen and eighteen of this article shall not apply to any bill, or the amendments to any bill, which shall be reported to the Legislature by commissioners who have been appointed pursuant to law to revise the statutes.

Section 24. Every law which imposes, continues or revives a tax shall distinctly state the tax and the object to which it is to be applied, and it shall not be sufficient to refer to any other law to fix such tax or object.

Section 25. On the final passage, in either house of the Legislature, of any act which imposes, continues or revives a tax, or creates a debt or charge, or makes, continues or revives any appropriation of public or trust money or property, or releases, discharges or commutes any claim or demand of the State, the question shall be taken by yeas and nays, which shall be duly entered upon the journals, and three-fifths of all the members elected to either house shall, in all such cases, be necessary to constitute a quorum therein.

Section 26. There shall be in the several counties, except in cities whose boundaries are the same as those of the county, a board of supervisors, to be composed of such members, and elected in such manner, and for such period, as is or may be provided by law. In any such city the duties and powers of a board of supervisors may be devolved upon the common council or board of aldermen thereof.

Section 27. The Legislature shall, by general laws, confer upon the boards of supervisors of the several counties of the State such further powers of local legislation and administration as the Legislature may from time to time deem expedient.

Section 28. The Legislature shall not, nor shall the common council of any city, nor any board of supervisors, grant any extra compensation to any public officer, servant, agent or contractor.

Section 29. The Legislature shall, by law, provide for the occupation and employment of prisoners sentenced to the several State prisons, penitentiaries, jails and reformatories in the State; and on and after the first day of January, in the

year one thousand eight hundred and ninety-seven, no person in any such prison, penitentiary, jail or reformatory, shall be required or allowed to work, while under sentence thereto, at any trade, industry or occupation, wherein or whereby his work, or the product or profit of his work, shall be farmed out, contracted, given or sold to any person, firm, association or corporation. This section shall not be construed to prevent the Legislature from providing that convicts may work for, and that the products of their labor may be disposed of to, the State or any political division thereof, or for or to any public institution owned or managed and controlled by the State, or any political division thereof.

ARTICLE IV.

Section 1. The executive power shall be vested in a Governor, who shall hold his office for two years; a Lieutenant-Governor shall be chosen at the same time, and for the same term. The Governor and Lieutenant-Governor elected next preceding the time when this section shall take effect, shall hold office until and including the thirty-first day of December, one thousand eight hundred and ninety-six, and their successors shall be chosen at the general election in that year.

Section 2. No person shall be eligible to the office of Governor or Lieutenant-Governor, except a citizen of the United States, of the age of not less than thirty years, and who shall have been five years next preceding his election a resident of this State.

Section 3. The Governor and Lieutenant-Governor shall be elected at the times and places of choosing members of the Assembly. The persons respectively having the highest number of votes for Governor and Lieutenant-Governor shall be elected; but in case two or more shall have an equal and the highest number of votes for Governor, or for Lieutenant-Governor, the two houses of the Legislature at its next annual session shall forthwith, by joint ballot, choose one of the said persons so having an equal and the highest number of votes for Governor or Lieutenant-Governor.

Section 4. The Governor shall be Commander-in-Chief of the military and naval forces of the State. He shall have power to convene the Legislature, or the Senate only, on extraordinary occasions. At extraordinary sessions no subject shall be acted upon, except such as the Governor may recommend for consid-

eration. He shall communicate by message to the Legislature at every session the condition of the State, and recommend such matters to it as he shall judge expedient. He shall transact all necessary business with the officers of government, civil and military. He shall expedite all such measures as may be resolved upon by the Legislature, and shall take care that the laws are faithfully executed. He shall receive for his services an annual salary of ten thousand dollars, and there shall be provided for his use a suitable and furnished executive residence.

Section 5. The Governor shall have the power to grant reprieves, commutations and pardons after conviction, for all offenses except treason and cases of impeachment, upon such conditions and with such restrictions and limitations, as he may think proper, subject to such regulations as may be provided by law relative to the manner of applying for pardons. Upon conviction for treason, he shall have power to suspend the execution of the sentence, until the case shall be reported to the Legislature at its next meeting, when the Legislature shall either pardon, or commute the sentence, direct the execution of the sentence, or grant a further reprieve. He shall annually communicate to the Legislature each case of reprieve, commutation or pardon granted, stating the name of the convict, the crime of which he was convicted, the sentence and its date, and the date of the commutation, pardon or reprieve.

Section 6. In case of the impeachment of the Governor, or his removal from office, death, inability to discharge the powers and duties of the said office, resignation, or absence from the State, the powers and duties of the office shall devolve upon the Lieutenant-Governor for the residue of the term, or until the disability shall cease. But when the Governor shall, with the consent of the Legislature, be out of the State, in time of war, at the head of a military force thereof, he shall continue Commander-in-Chief of all the military force of the State.

Section 7. The Lieutenant-Governor shall possess the same qualifications of eligibility for office as the Governor. He shall be President of the Senate, but shall have only a casting vote therein. If during a vacancy of the office of Governor, the Lieutenant-Governor shall be impeached, displaced, resign, die, or become incapable of performing the duties of his office, or be absent from the State, the President of the Senate shall act as Governor until the vacancy be filled or the disability shall cease;

and if the President of the Senate for any of the above causes shall become incapable of performing the duties pertaining to the office of Governor, the Speaker of the Assembly shall act as Governor until the vacancy be filled or the disability shall cease.

Section 8. The Lieutenant-Governor shall receive for his services an annual salary of five thousand dollars, and shall not receive or be entitled to any other compensation, fee or perquisite, for any duty or service he may be required to perform by the Constitution or by law.

Section 9. Every bill which shall have passed the Senate and Assembly shall, before it becomes a law, be presented to the Governor; if he approve, he shall sign it; but if not, he shall return it with his objections to the house in which it shall have originated, which shall enter the objections at large on the Journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of the members elected to that house shall agree to pass the bill, it shall be sent together with the objections to the other house by which it shall likewise be reconsidered; and if approved by two-thirds of the members elected to that house, it shall become a law, notwithstanding the objections of the Governor. In all such cases, the votes in both houses shall be determined by yeas and nays, and the names of the members voting shall be entered on the Journal of each house respectively. If any bill shall not be returned by the Governor within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the Legislature shall, by their adjournment, prevent its return, in which case it shall not become a law without the approval of the Governor. No bill shall become a law after the final adjournment of the Legislature, unless approved by the Governor within thirty days after such adjournment. If any bill presented to the Governor contain several items of appropriation of money, he may object to one or more of such items while approving of the other portion of the bill. In such case, he shall append to the bill, at the time of signing it, a statement of the items to which he objects; and the appropriation so objected to shall not take effect. If the Legislature be in session, he shall transmit to the house in which the bill originated a copy of such statement, and the items objected to shall be separately reconsidered. If, on reconsideration, one or more of such items be approved by two-thirds of the members elected

to each house, the same shall be part of the law, notwithstanding the objections of the Governor. All the provisions of this section, in relation to bills not approved by the Governor, shall apply in cases in which he shall withhold his approval from any item or items contained in a bill appropriating money.

ARTICLE V.

Section 1. The Secretary of State, Comptroller, Treasurer, Attorney-General and State Engineer and Surveyor shall be chosen at a general election, at the times and places of electing the Governor and Lieutenant-Governor, and shall hold their offices for two years, except as provided in section two of this article. Each of the officers in this article named, excepting the Speaker of the Assembly, shall at stated times during his continuance in office, receive for his services a compensation which shall not be increased or diminished during the term for which he shall have been elected; nor shall he receive to his use any fees or perquisites of office or other compensation. No person shall be elected to the office of State Engineer and Surveyor who is not a practical civil engineer.

Section 2. The first election of the Secretary of State, Comptroller, Treasurer, Attorney-General and State Engineer and Surveyor, pursuant to this article shall be held in the year one thousand eight hundred and ninety-five, and their terms of office shall begin on the first day of January following, and shall be for three years. At the general election in the year one thousand eight hundred and ninety-eight, and every two years thereafter, their successors shall be chosen for the term of two years.

Section 3. A Superintendent of Public Works shall be appointed by the Governor, by and with the advice and consent of the Senate, and hold his office until the end of the term of the Governor by whom he was nominated, and until his successor is appointed and qualified. He shall receive a compensation to be fixed by law. He shall be required by law to give security for the faithful execution of his office before entering upon the duties thereof. He shall be charged with the execution of all laws relating to the repair and navigation of the canals, and also of those relating to the construction and improvement of the canals, except so far as the execution of the laws relating to such construction or improvement shall be confided to the State

Engineer and Surveyor; subject to the control of the Legislature, he shall make the rules and regulations for the navigation or use of the canals. He may be suspended or removed from office by the Governor, whenever, in his judgment, the public interest shall so require; but in case of the removal of such Superintendent of Public Works from office, the Governor shall file with the Secretary of State a statement of the cause of such removal, and shall report such removal and the cause thereof to the Legislature at its next session. The Superintendent of Public Works shall appoint not more than three assistant superintendents, whose duties shall be prescribed by him, subject to modification by the Legislature, and who shall receive for their services a compensation to be fixed by law. They shall hold their office for three years, subject to suspension or removal by the Superintendent of Public Works, whenever, in his judgment, the public interest shall so require. Any vacancy in the office of any such assistant superintendent shall be filled for the remainder of the term for which he was appointed, by the Superintendent of Public Works; but in case of the suspension or removal of any such assistant superintendent by him, he shall at once report to the Governor, in writing, the cause of such removal. All other persons employed in the care and management of the canals, except collectors of tolls, and those in the department of the State Engineer and Surveyor, shall be appointed by the Superintendent of Public Works, and be subject to suspension or removal by him. The Superintendent of Public Works shall perform all the duties of the former Canal Commissioners, and Board of Canal Commissioners, as now declared by law, until otherwise provided by the Legislature. The Governor, by and with the advice and consent of the Senate, shall have power to fill vacancies in the office of Superintendent of Public Works; if the Senate be not in session, he may grant commissions which shall expire at the end of the next succeeding session of the Senate.

Section 4. A Superintendent of State Prisons shall be appointed by the Governor, by and with the advice and consent of the Senate, and hold his office for five years, unless sooner removed; he shall give security in such amount, and with such sureties as shall be required by law for the faithful discharge of his duties; he shall have the superintendence, management and control of

State prison, subject to such laws as now exist or may hereafter be enacted; he shall appoint the agents, wardens, physicians and chaplains of the prisons. The agent and warden of each prison shall appoint all other officers of such prison, except the clerk, subject to the approval of the same by the Superintendent. The Comptroller shall appoint the clerks of the prisons. The Superintendent shall have all the powers and perform all the duties not inconsistent herewith, which were formerly had and performed by the Inspectors of State Prisons. The Governor may remove the Superintendent for cause at any time, giving to him a copy of the charges against him, and an opportunity to be heard in his defense.

Section 5. The Lieutenant-Governor, Speaker of the Assembly, Secretary of State, Comptroller, Treasurer, Attorney-General and State Engineer and Surveyor shall be the Commissioners of the Land Office. The Lieutenant-Governor, Secretary of State, Comptroller, Treasurer and Attorney-General shall be the Commissioners of the Canal Fund. The Canal Board shall consist of the Commissioners of the Canal Fund the State Engineer and Surveyor, and the Superintendent of Public Works.

Section 6. The powers and duties of the respective boards, and of the several officers in this article mentioned, shall be such as now are or hereafter may be prescribed by law.

Section 7. The Treasurer may be suspended from office by the Governor, during the recess of the Legislature, and until thirty days after the commencement of the next session of the Legislature, whenever it shall appear to him that such Treasurer has, in any particular, violated his duty. The Governor shall appoint a competent person to discharge the duties of the office during such suspension of the Treasurer.

Section 8. All offices for the weighing, gauging, measuring, culling or inspecting any merchandise, produce, manufacture or commodity whatever, are hereby abolished; and no such office shall hereafter be created by law; but nothing in this section contained shall abrogate any office created for the purpose of protecting the public health or the interests of the State in its property, revenue, tolls or purchases, or of supplying the people with correct standards of weights and measures, or shall prevent the creation of any office for such purposes hereafter.

Section 9. Appointments and promotions in the civil service of the State, and of all the civil divisions thereof, including cities

and villages, shall be made according to merit and fitness to be ascertained, so far as practicable, by examinations, which, so far as practicable shall be competitive; provided, however, that honorably discharged soldiers and sailors from the army and navy of the United States in the late civil war, who are citizens and residents of this State, shall be entitled to preference in appointment and promotion, without regard to their standing on any list from which such appointment or promotion may be made. Laws shall be made to provide for the enforcement of this section.

ARTICLE VI.

Section 1. The Supreme Court is continued with general jurisdiction in law and equity, subject to such appellate jurisdiction of the Court of Appeals as now is or may be prescribed by law not inconsistent with this article. The existing judicial districts of the State are continued until changed as hereinafter provided. The Supreme Court shall consist of the justices now in office, and of the judges transferred thereto by the fifth section of this article, all of whom shall continue to be justices of the Supreme Court during their respective terms, and of twelve additional justices who shall reside in and be chosen by the electors of, the several existing judicial districts, three in the first district, three in the second, and one in each of the other districts; and of their successors. The successors of said justices shall be chosen by the electors of their respective judicial districts. The Legislature may alter the judicial districts once after every enumeration under the Constitution, of the inhabitants of the State, and thereupon reapportion the justices to be thereafter elected in the districts so altered.

Section 2. The Legislature shall divide the State into four judicial departments. The first department shall consist of the county of New York; the others shall be bounded by county lines, and be compact and equal in population as nearly as may be. Once every ten years the Legislature may alter the judicial departments, but without increasing the number thereof.

There shall be an Appellate Division of the Supreme Court, consisting of seven justices in the first department, and of five justices in each of the other departments. In each department four shall constitute a quorum, and the concurrence of three shall be necessary to a decision. No more than five justices shall sit in any case.

From all the justices elected to the Supreme Court the Governor shall designate those who shall constitute the Appellate Division in each department; and he shall designate the presiding justice thereof, who shall act as such during his term of office, and shall be a resident of the department. The other justices shall be designated for terms of five years, or the unexpired portions of their respective terms of office, if less than five years. From time to time as the terms of such designations expire, or vacancies occur, he shall make new designations. He may also make temporary designations in case of the absence on inability to act, of any justice in the Appellate Division. A majority of the judges designated to sit in the Appellate Division in each department shall be residents of the department. Whenever the Appellate Division in any department shall be unable to dispose of its business within a reasonable time, a majority of the presiding justices of the several departments at a meeting called by the presiding justice of the department in arrears may transfer any pending appeals from such department to any other department for hearing and determination. No justice of the Appellate Division shall exercise any of the powers of a justice of the Supreme Court, other than those of a justice out of court, and those pertaining to the Appellate Division or to the hearing and decision of motions submitted by consent of counsel. From and after the last day of December, one thousand eight hundred and ninety-five, the Appellate Division shall have the jurisdiction now exercised by the Supreme Court at its General Terms, and by the General Terms of the Court of Common Pleas for the City and County of New York, the Superior Court of the city of New York, the Superior Court of Buffalo and the City Court of Brooklyn, and such additional jurisdiction as may be conferred by the Legislature. It shall have power to appoint and remove a reporter.

The justice of the Appellate Division in each department shall have power to fix the times and places for holding Special and Trial Terms therein, and to assign the justices in the departments to hold such terms; or to make rules therefor.

Section 3. No judge or justice shall sit in the Appellate Division or in the Court of Appeals in review of a decision made by him or by any court of which he was at the time a sitting member. The testimony in equity cases shall be taken in like manner as in cases at law; and, except as herein otherwise provided, the

Legislature shall have the same power to alter and regulate the jurisdiction and proceedings in law and in equity that it has heretofore exercised.

Section 4. The official terms of the justices of the Supreme Court shall be fourteen years from and including the first day of January next after their election. When a vacancy shall occur otherwise than by expiration of term in the office of justice of the Supreme Court the same shall be filled for a full term, at the next general election, happening not less than three months after such vacancy occurs; and, until the vacancy shall be so filled, the Governor by and with the advice and consent of the Senate, if the Senate shall be in session, or if not in session the Governor, may fill such vacancy by appointment, which shall continue until and including the last day of December next after the election at which the vacancy shall be filled.

Section 5. The Superior Court of the City of New York, the Court of Common Pleas for the City and County of New York, the Superior Court of Buffalo, and the City Court of Brooklyn, are abolished from and after the first day of January, one thousand eight hundred and ninety-six, and thereupon the seals, records, papers and documents of or belonging to such courts, shall be deposited in the office of the clerks of the several counties in which said courts now exist; and all actions and proceedings then pending in such courts shall be transferred to the Supreme Court for hearing and determination. The judges of said courts in office on the first day of January, one thousand eight hundred and ninety-six, shall, for the remainder of the terms for which they were elected or appointed, be justices of the Supreme Court; but they shall sit only in the counties in which they were elected or appointed. Their salaries shall be paid by the said counties respectively, and shall be the same as the salaries of the other justices of the Supreme Court residing in the same counties. Their successors shall be elected as justices of the Supreme Court by the electors of the judicial districts in which they respectively reside.

The jurisdiction now exercised by the several courts hereby abolished, shall be vested in the Supreme Court. Appeals from inferior and local courts now heard in the Court of Common Pleas for the City and County of New York and the Superior

Court of Buffalo, shall be heard in the Supreme Court in such manner and by such justice or justices as the Appellate Divisions in the respective departments which include New York and Buffalo shall direct, unless otherwise provided by the Legislature.

Section 6. Circuit Courts and Courts of Oyer and Terminer are abolished from and after the last day of December, one thousand eight hundred and ninety-five. All their jurisdiction shall thereupon be vested in the Supreme Court, and all actions and proceedings then pending in such courts shall be transferred to the Supreme Court for hearing and determination. Any justice of the Supreme Court, except as otherwise provided in this article, may hold court in any county.

Section 7. The Court of Appeals is continued. It shall consist of the chief judge and associate judges now in office, who shall hold their offices until the expiration of their respective terms, and their successors, who shall be chosen by the electors of the State. The official terms of the chief judge and associate judges shall be fourteen years from and including the first day of January next after their election. Five members of the court shall form a quorum, and the concurrence of four shall be necessary to a decision. The court shall have power to appoint and to remove its reporter, clerk and attendants.

Section 8. When a vacancy shall occur otherwise than by expiration of term, in the office of chief or associate judge of the Court of Appeals, the same shall be filled, for a full term, at the next general election happening not less than three months after such vacancy occurs; and until the vacancy shall be so filled, the Governor, by and with the advice and consent of the Senate, if the Senate shall be in session, or if not in session the Governor may fill such vacancy by appointment. If any such appointment of chief judge shall be made from among the associate judges, a temporary appointment of associate judge shall be made in like manner; but in such case, the person appointed chief judge shall not be deemed to vacate his office of associate judge any longer than until the expiration of his appointment as chief judge. The powers and jurisdiction of the court shall not be suspended for want of appointment or election, when the number of judges is sufficient to constitute a quorum. All appointments under this section shall continue until and including the

last day of December next after the election at which the vacancy shall be filled.

Section 9. After the last day of December, one thousand eight hundred and ninety-five, the jurisdiction of the Court of Appeals, except where the judgment is of death, shall be limited to the review of questions of law. No unanimous decision of the Appellate Division of the Supreme Court that there is evidence supporting or tending to sustain a finding of fact or a verdict not directed by the court, shall be reviewed by the Court of Appeals. Except where the judgment is of death, appeals may be taken, as of right, to said court only from judgments or orders entered upon decisions of the Appellate Division of the Supreme Court, finally determining actions or special proceedings, and from orders granting new trials on exceptions, where the appellants stipulate that upon affirmance judgment absolute shall be rendered against them. The Appellate Division in any department may however, allow an appeal upon any question of law which, in its opinion, ought to be reviewed by the Court of Appeals.

The Legislature may further restrict the jurisdiction of the Court of Appeals and the right of appeal thereto, but the right to appeal shall not depend upon the amount involved.

The provisions of this section shall not apply to orders made or judgments rendered by any General Term before the last day of December, one thousand eight hundred and ninety-five, but appeals therefrom may be taken under existing provisions of law.

Section 10. The judges of the Court of Appeals and the justices of the Supreme Court shall not hold any other office or public trust. All votes for any of them, for any other than a judicial office, given by the Legislature or the people, shall be void.

Section 11. Judges of the Court of Appeals and justices of the Supreme Court, may be removed by concurrent resolution of both houses of the Legislature, if two-thirds of all the members elected to each house concur therein. All other judicial officers, except justices of the peace and judges or justices of inferior courts not of record, may be removed by the Senate, on the recommendation of the Governor, if two-thirds of all the members elected to the Senate concur therein. But no officer shall be removed by virtue of this section except for cause, which shall be entered on the Journals nor unless he shall have been served with a statement of the cause alleged, and shall have had an opportunity to be

heard. On the question of removal, the yeas and nays shall be entered on the Journal.

Section 12. The judges and justices hereinbefore mentioned shall receive for their services a compensation established by law, which shall not be increased or diminished during their official terms, except as provided in section five of this article. No person shall hold the office of judges or justice of any court longer than until and including the last day of December next after he shall be seventy years of age. No judge or justice elected after the first day of January, one thousand eight hundred and ninety-four, shall be entitled to receive any compensation after the last day of December next after he shall be seventy years of age; but the compensation of every judge of the Court of Appeals or justice of the Supreme Court elected prior to the first day of January, one thousand eight hundred and ninety-four, whose term of office has been, or whose present term of office shall be, so abridged, and who shall have served as such judge or justice ten years or more, shall be continued during the remainder of the term for which he was elected; but any such judge or justice may, with his consent, be assigned by the Governor, from time to time, to any duty in the Supreme Court while his compensation is so continued.

Section 13. The Assembly shall have the power of impeachment, by a vote of a majority of all the members elected. The Court for the Trial of Impeachments shall be composed of the President of the Senate, the Senators, or the major part of them, and the judges of the Court of Appeals, or the major part of them. On the trial of an impeachment against the Governor or Lieutenant-Governor, the Lieutenant-Governor shall not act as a member of the court. No judicial officer shall exercise his office, after articles of impeachment against him shall have been preferred to the Senate, until he shall have been acquitted. Before the trial of an impeachment the members of the court shall take an oath or affirmation truly and impartially to try the impeachment according to the evidence, and no person shall be convicted without the concurrence of two-thirds of the members present. Judgment in cases of impeachment shall not extend further than to removal from office, or removal from office and disqualification to hold and enjoy any office of honor, trust or profit under this

State; but the party impeached shall be liable to indictment and punishment according to law.

Section 14. The existing County Courts are continued, and the judges thereof now in office shall hold their offices until the expiration of their respective terms. In the county of Kings there shall be two county judges and the additional county judge shall be chosen at the next general election held after the adoption of this article. The successors of the several county judges shall be chosen by the electors of the counties for the term of six years. County Courts shall have the powers and jurisdiction they now possess, and also original jurisdiction in actions for the recovery of money only, where the defendants reside in the county, and in which the complaint demands judgment for a sum not exceeding two thousand dollars. The Legislature may hereafter enlarge or restrict the jurisdiction of the County Courts, provided, however, that their jurisdiction shall not be so extended as to authorize an action therein for the recovery of money only, in which the sum demanded exceeds two thousand dollars, or in which any person not a resident of the county is a defendant.

Courts of Sessions, except in the county of New York, are abolished from and after the last day of December, one thousand eight hundred and ninety-five. All the jurisdiction of the Court of Sessions in each county, except the county of New York, shall thereupon be vested in the County Court thereof, and all actions and proceedings then pending in such Courts of Sessions shall be transferred to said County Courts for hearing and determination. Every county judge shall perform such duties as may be required by law. His salary shall be established by law, payable out of the county treasury. A county judge of any county may hold County Courts in any other county when requested by the judge of such other county.

Section 15. The existing Surrogates' Courts are continued, and the surrogates now in office shall hold their offices until the expiration of their terms. Their successors shall be chosen by the electors of their respective counties, and their terms of office shall be six years, except in the county of New York, where they shall continue to be fourteen years. Surrogates and Surrogates' Courts shall have the jurisdiction and powers which the surrogates and existing Surrogates' Courts now possess, until otherwise provided by the Legislature. The county

judge shall be surrogate of his county, except where a separate surrogate has been or shall be elected. In counties having a population exceeding forty thousand, wherein there is no separate surrogate, the Legislature may provide for the election of a separate officer to be surrogate, whose term of office shall be six years. When the surrogate shall be elected as a separate officer his salary shall be established by law, payable out of the county treasury. No county judge or surrogate shall hold office longer than until and including the last day of December next after he shall be seventy years of age. Vacancies occurring in the office of county judge or surrogate shall be filled in the same manner as like vacancies occurring in the Supreme Court. The compensation of any county judge or surrogate shall not be increased or diminished during his term of office. For the relief of Surrogates' Courts the Legislature may confer upon the Supreme Court in any county having a population exceeding four hundred thousand, the powers and jurisdiction of surrogates, with authority to try issues of fact by jury in probate cases.

Section 16. The Legislature may, on application of the board of supervisors, provide for the election of local officers, not to exceed two in any county, to discharge the duties of county judge and of surrogate, in cases of their inability or of a vacancy, and in such other cases as may be provided by law, and to exercise such other powers in special cases as are or may be provided by law.

Section 17. The electors of the several towns shall, at their annual town meetings, or at such other time and in such manner as the Legislature may direct, elect justices of the peace, whose term of office shall be four years. In case of an election to fill a vacancy occurring before the expiration of a full term, they shall hold for the residue of the unexpired term. Their number and classification may be regulated by law. Justices of the peace and judges or justices of inferior courts not of record, and their clerks, may be removed for cause, after due notice and an opportunity of being heard, by such courts as are or may be prescribed by law. Justices of the peace and District Court justices may be elected in the different cities of this State in such manner, and with such powers, and for such terms, respectively, as are or shall be prescribed by law; all other judicial officers in cities, whose election or appointment is not otherwise provided for in this article, shall be chosen by the electors of such cities, or appointed by some local authorities thereof.

Section 18. Inferior local courts of civil and criminal jurisdiction may be established by the Legislature, but no inferior local court hereafter created shall be a court of record. The Legislature shall not hereafter confer upon any inferior or local court of its creation, any equity jurisdiction or any greater jurisdiction in other respects than is conferred upon County Courts by or under this article. Except as herein otherwise provided, all judicial officers shall be elected or appointed at such times and in such manner as the Legislature may direct.

Section 19. Clerks of the several counties shall be clerks of the Supreme Court, with such powers and duties as shall be prescribed by law. The justices of the Appellate Division in each department shall have power to appoint and to remove a clerk who shall keep his office at a place to be designated by said justices. The clerk of the Court of Appeals shall keep his office at the seat of government. The clerk of the Court of Appeals and the clerks of the Appellate Division shall receive compensation to be established by law and paid out of the public treasury.

Section 20. No judicial officer, except justices of the peace, shall receive to his own use any fees or perquisites of office; nor shall any judge of the Court of Appeals, or justice of the Supreme Court, or any county judge or surrogate hereafter elected in a county having a population exceeding one hundred and twenty thousand, practice as an attorney or counselor in any court of record in this State, or act as referee. The Legislature may impose a similar prohibition upon county judges and surrogates in other counties. No one shall be eligible to the office of judge of the Court of Appeals, justice of the Supreme Court, or, except in the county of Hamilton, to the office of county judge or surrogate, who is not an attorney and counselor of this State.

Section 21. The Legislature shall provide for the speedy publication of all statutes, and shall regulate the reporting of the decisions of the courts; but all laws and judicial decisions shall be free for publication by any person.

Section 22. Justices of the peace and other local judicial officers provided for in sections seventeen and eighteen in office when this article takes effect, shall hold their offices until the expiration of their respective terms.

Section 23. Courts of Special Sessions shall have such jurisdiction of offenses of the grade of misdemeanors as may be prescribed by law.

ARTICLE VII.

Section 1. The credit of the State shall not in any manner be given or loaned to or in aid of any individual, association or corporation.

Section 2. The State may, to meet casual deficits or failures in revenues, or for expenses not provided for, contract debts; but such debts, direct or contingent, singly or in the aggregate, shall not at any time exceed one million of dollars; and the moneys arising from the loans creating such debts shall be applied to the purpose for which they were obtained, or to repay the debt so contracted, and to no other purpose whatever.

Section 3. In addition to the above limited power to contract debts, the State may contract debts to repel invasion, suppress insurrection, or defend the State in war; but the money arising from the contracting of such debts shall be applied to the purpose for which it was raised, or to repay such debts, and to no other purpose whatever.

Section 4. Except the debts specified in sections two and three of this article, no debts shall be hereafter contracted by or on behalf of this State, unless such debt shall be authorized by a law, for some single work or object, to be distinctly specified therein; and such law shall impose and provide for the collection of a direct annual tax to pay, and sufficient to pay, the interest on such debt as it falls due, and also to pay and discharge the principal of such debt within eighteen years from the time of the contracting thereof. No such law shall take effect until it shall, at a general election, have been submitted to the people, and have received a majority of all the votes cast for and against it at such election. On the final passage of such bill in either house of the Legislature, the question shall be taken by ayes and noes, to be duly entered on the Journals thereof, and shall be: "Shall this bill pass, and ought the same to receive the sanction of the people?"

The Legislature may at any time, after the approval of such law by the people, if no debt shall have been contracted in pursuance thereof, repeal the same; and may at any time, by law,

forbid the contracting of any further debt or liability under such law; but the tax imposed by such act, in proportion to the debt and liability which may have been contracted, in pursuance of such law, shall remain in force and be irrepealable, and be annually collected, until the proceeds thereof shall have made the provision hereinbefore specified to pay and discharge the interest and principal of such debt and liability. The money arising from any loan or stock creating such debt or liability shall be applied to the work or object specified in the act authorizing such debt or liability, or for the repayment of such debt or liability, and for no other purpose whatever. No such law shall be submitted to be voted on, within three months after its passage, or at any general election when any other law, or any bill, or any amendment to the Constitution, shall be submitted to be voted for or against.

Section 5. The sinking funds provided for the payment of interest and the extinguishment of the principal of the debts of the State shall be separately kept and safely invested, and neither of them shall be appropriated or used in any manner other than for the specific purpose for which it shall have been provided.

Section 6. Neither the Legislature, Canal Board, nor any person or persons acting in behalf of the State, shall audit, allow, or pay any claim which, as between citizens of the State, would be barred by lapse of time. This provision shall not be construed to repeal any statute fixing the time within which claims shall be presented or allowed, nor shall it extend to any claims duly presented within the time allowed by law, and prosecuted with due diligence from the time of such presentment. But if the claimant shall be under legal disability, the claim may be presented within two years after such disability is removed.

Section 7. The lands of the State, now owned or hereafter acquired, constituting the forest preserve as now fixed by law, shall be forever kept as wild forest lands. They shall not be leased, sold or exchanged, or be taken by any corporation, public or private, nor shall the timber thereon be sold, removed or destroyed.

Section 8. The Legislature shall not sell, lease or otherwise dispose of the Erie canal, the Oswego canal, the Champlain canal, the Cayuga and Seneca canal, or the Black River canal; but they shall remain the property of the State and under its management

forever. The prohibition of lease, sale or other disposition herein contained, shall not apply to the canal known as the Main and Hamburg street canal, situated in the city of Buffalo, and which extends easterly from the westerly line of Main street to the westerly line of Hamburg street. All funds that may be derived from any lease, sale or other disposition of any canal shall be applied to the improvement, superintendence or repair of the remaining portion of the canals.

Section 9. No tolls shall hereafter be imposed on persons or property transported on the canals, but all boats navigating the canals, and the owners and masters thereof, shall be subject to such laws and regulations as have been or may hereafter be enacted concerning the navigation of the canals. The Legislature shall annually, by equitable taxes, make provision for the expenses of the superintendence and repairs of the canals. All contracts for work or materials on any canal shall be made with the persons who shall offer to do or provide the same at the lowest price, with adequate security for their performance. No extra compensation shall be made to any contractor; but if, from any unforeseen cause, the terms of any contract shall prove to be unjust and oppressive, the Canal Board may, upon the application of the contractor, cancel such contract.

Section 10. The canals may be improved in such manner as the Legislature shall provide by law. A debt may be authorized for that purpose in the mode prescribed by section four of this article, or the cost of such improvement may be defrayed by the appropriation of funds from the State treasury, or by equitable annual tax.

ARTICLE VIII.

Section 1. Corporations may be formed under general laws; but shall not be created by special act, except for municipal purposes, and in cases where, in the judgment of the Legislature, the objects of the corporation cannot be attained under general laws. All general laws and special acts passed pursuant to this section may be altered from time to time or repealed.

Section 2. Dues from corporations shall be secured by such individual liability of the corporators and other means as may be prescribed by law.

Section 3. The term corporations as used in this article shall be construed to include all associations and joint-stock companies

having any of the powers or privileges of corporations not possessed by individuals or partnerships. And all corporations shall have the right to sue and shall be subject to be sued in all courts in like cases as natural persons.

Section 4. The Legislature shall, by general law, conform all charters of savings banks, or institutions for savings, to a uniformity of powers, rights and liabilities, and all charters hereafter granted for such corporations shall be made to conform to such general law, and to such amendments as may be made thereto. And no such corporation shall have any capital stock, nor shall the trustees thereof, or any of them, have any interest whatever, direct or indirect, in the profits of such corporation; and no director or trustee of any such bank or institution shall be interested in any loan or use of any money or property of such bank or institution for savings. The Legislature shall have no power to pass any act granting any special charter for banking purposes; but corporations or associations may be formed for such purposes under general laws.

Section 5. The Legislature shall have no power to pass any law sanctioning in any manner, directly or indirectly, the suspension of specie payments, by any person, association or corporation, issuing bank notes of any description.

Section 6. The Legislature shall provide by law for the registry of all bills or notes, issued or put in circulation as money, and shall require ample security for the redemption of the same in specie.

Section 7. The stockholders of every corporation and joint-stock association for banking purposes, shall be individually responsible to the amount of their respective share or shares of stock in any such corporation or association, for all its debts and liabilities of every kind.

Section 8. In case of the insolvency of any bank or banking association, the billholders thereof shall be entitled to preference in payment, over all other creditors of such bank or association.

Section 9. Neither the credit nor the money of the State shall be given or loaned to or in aid of any association, corporation or private undertaking. This section shall not, however, prevent the Legislature from making such provision for the education and support of the blind, the deaf and dumb, and juvenile delinquents, as to it may seem proper. Nor shall it apply to any fund

or property now held, or which may hereafter be held, by the State for educational purposes.

Section 10. No county, city, town or village shall hereafter give any money or property, or loan its money or credit to or in aid of any individual, association or corporation, or become directly or indirectly the owner of stock in, or bonds of, any association or corporation; nor shall any such county, city, town or village be allowed to incur any indebtedness except for county, city, town or village purposes. This section shall not prevent such county, city, town or village from making such provision for the aid or support of its poor as may be authorized by law. No county or city shall be allowed to become indebted for any purpose or in any manner to an amount which, including existing indebtedness, shall exceed ten per centum of the assessed valuation of the real estate of such county or city subject to taxation, as it appeared by the assessment-rolls of said county or city on the last assessment for State or county taxes prior to the incurring of such indebtedness; and all indebtedness in excess of such limitation, except such as may now exist, shall be absolutely void, except as herein otherwise provided. No county or city whose present indebtedness exceeds ten per centum of the assessed valuation of its real estate subject to taxation, shall be allowed to become indebted in any further amount until such indebtedness shall be reduced within such limit. This section shall not be construed to prevent the issuing of certificates of indebtedness or revenue bonds issued in anticipation of the collection of taxes for amounts actually contained, or to be contained in the taxes for the year when such certificates or revenue bonds are issued and payable out of such taxes. Nor shall this section be construed to prevent the issue of bonds to provide for the supply of water; but the term of the bonds issued to provide the supply of water shall not exceed twenty years, and a sinking fund shall be created on the issuing of the said bonds for their redemption, by raising annually a sum which will produce an amount equal to the sum of the principal and interest of said bonds at their maturity. All certificates of indebtedness or revenue bonds issued in anticipation of the collection of taxes, which are not retired within five years after their date of issue, and bonds issued to provide for the supply of water, and any debt hereafter incurred by any portion or part of a city, if there shall be any such debt, shall be included in ascertaining the

power of the city to become otherwise indebted. Whenever hereafter the boundaries of any city shall become the same as those of a county, the power of the county to become indebted shall cease, but the debt of the county at that time existing shall not be included as a part of the city debt. The amount hereafter to be raised by tax for county or city purposes, in any county containing a city of over one hundred thousand inhabitants, or any such city of this State, in addition to providing for the principal and interest of existing debt, shall not in the aggregate exceed in any one year two per centum of the assessed valuation of the real and personal estate of such county or city, to be ascertained as prescribed in this section in respect to county or city debt.

Section 11. The Legislature shall provide for a State Board of Charities, which shall visit and inspect all institutions, whether State, county, municipal, incorporated or not incorporated, which are of a charitable, eleemosynary, correctional or reformatory character, excepting only such institutions as are hereby made subject to the visitation and inspection of either of the commissions hereinafter mentioned, but including all reformatories except those in which adult males convicted of felony shall be confined; a State Commission in Lunacy, which shall visit and inspect all institutions, either public or private, used for the care and treatment of the insane (not including institutions for epileptics or idiots); a State Commission of Prisons which shall visit and inspect all institutions used for the detention of sane adults charged with or convicted of crime, or detained as witnesses or debtors.

Section 12. The members of the said board and of the said commissions shall be appointed by the Governor, by and with the advice and consent of the Senate; and any member may be removed from office by the Governor for cause, an opportunity having been given him to be heard in his defense.

Section 13. Existing laws relating to institutions referred to in the foregoing sections and to their supervision and inspection, in so far as such laws are not inconsistent with the provisions of the Constitution, shall remain in force until amended or repealed by the Legislature. The visitation and inspection herein provided for, shall not be exclusive of other visitation and inspection now authorized by law.

Section 14. Nothing in this Constitution contained shall prevent the Legislature from making such provision for the education and support of the blind, the deaf and dumb, and juvenile delinquents, as to it may seem proper; or prevent any county, city, town or village from providing for the care, support, maintenance and secular education, of inmates of orphan asylums, homes for dependent children or correctional institutions, whether under public or private control. Payments by counties, cities, towns and villages to charitable, eleemosynary, correctional and reformatory institutions, wholly or partly under private control, for care, support and maintenance, may be authorized, but shall not be required by the Legislature. No such payments shall be made for any inmate of such institutions who is not received and retained therein pursuant to rules established by the State Board of Charities. Such rules shall be subject to the control of the Legislature by general laws.

Section 15. Commissioners of the State Board of Charities and Commissioners of the State Commission in Lunacy, now holding office, shall be continued in office for the term for which they were appointed, respectively, unless the Legislature shall otherwise provide. The Legislature may confer upon the commissions and upon the board mentioned in the foregoing sections any additional powers that are not inconsistent with other provisions of the Constitution.

ARTICLE IX.

Section 1. The Legislature shall provide for the maintenance and support of a system of free common schools, wherein all the children of this State may be educated.

Section 2. The corporation created in the year one thousand seven hundred and eighty-four, under the name of The Regents of the University of the State of New York, is hereby continued under the name of The University of the State of New York. It shall be governed and its corporate powers, which may be increased, modified or diminished by the Legislature, shall be exercised, by not less than nine regents.

Section 3. The capital of the common school fund, the capital of the literature fund, and the capital of the United States deposit fund, shall be respectively preserved inviolate. The revenue of the said common school fund shall be applied to the support of common schools; the revenue of the said literature fund shall

be applied to the support of academies; and the sum of twenty-five thousand dollars of the revenues of the United States deposit fund shall each year be appropriated to and made part of the capital of the said common school fund.

Section 4. Neither the State nor any subdivision thereof, shall use its property or credit or any public money, or authorize or permit either to be used, directly or indirectly, in aid or maintenance, other than for examination or inspection, of any school or institution of learning wholly or in part under the control or direction of any religious denomination, or in which any denominational tenet or doctrine is taught.

ARTICLE X.

Section 1. Sheriffs, clerks of counties, district attorneys, and registers in counties having registers, shall be chosen by the electors of the respective counties, once in every three years and as often as vacancies shall happen, except in the counties of New York and Kings, and in counties whose boundaries are the same as those of a city, where such officers shall be chosen by the electors once in every two or four years as the Legislature shall direct. Sheriffs shall hold no other office, and be ineligible for the next term after the termination of their offices. They may be required by law to renew their security, from time to time; and in default of giving such new security, their offices shall be deemed vacant. But the county shall never be made responsible for the acts of the sheriff. The Governor may remove any officer, in this section mentioned, within the term for which he shall have been elected; giving to such officer a copy of the charges against him, and an opportunity of being heard in his defense.

Section 2. All county officers, whose election or appointment is not provided for by this Constitution, shall be elected by the electors of the respective counties or appointed by the boards of supervisors, or other county authorities, as the Legislature shall direct. All city, town and village officers, whose election or appointment is not provided for by this Constitution, shall be elected by the electors of such cities, towns and villages, or of some division thereof, or appointed by such authorities thereof, as the Legislature shall designate for that purpose. All other officers, whose election or appointment is not provided for by this

Constitution, and all officers, whose offices may hereafter be created by law, shall be elected by the people, or appointed, as the Legislature may direct.

Section 3. When the duration of any office is not provided by this Constitution, it may be declared by law, and if not so declared, such office shall be held during the pleasure of the authority making the appointment.

Section 4. The time of electing all officers named in this article shall be prescribed by law.

Section 5. The Legislature shall provide for filling vacancies in office, and in case of elective officers, no person appointed to fill a vacancy shall hold his office by virtue of such appointment longer than the commencement of the political year next succeeding the first annual election after the happening of the vacancy.

Section 6. The political year and legislative term shall begin on the first day of January; and the Legislature shall, every year, assemble on the first Wednesday in January.

Section 7. Provision shall be made by law for the removal for misconduct or malversation in office of all officers, except judicial, whose powers and duties are not local or legislative and who shall be elected at general elections, and also for supplying vacancies created by such removal.

Section 8. The Legislature may declare the cases in which any office shall be deemed vacant when no provision is made for that purpose in this Constitution.

Section 9. No officer whose salary is fixed by the Constitution shall receive any additional compensation. Each of the other State officers named in the Constitution shall during his continuance in office, receive a compensation, to be fixed by law, which shall not be increased or diminished during the term for which he shall have been elected or appointed; nor shall he receive to his use any fees or perquisites of office or other compensation.

ARTICLE XI.

Section 1. All able-bodied male citizens between the ages of eighteen and forty-five years, who are residents of the State, shall constitute the militia, subject however to such exemptions as are now, or may be hereafter created by the laws of the United States, or by the Legislature of this State,

Section 2. The Legislature may provide for the enlistment into the active force of such other persons as may make application to be so enlisted.

Section 3. The militia shall be organized and divided into such land and naval, and active and reserve forces, as the Legislature may deem proper, provided, however, that there shall be maintained at all times a force of not less than ten thousand enlisted men, fully uniformed, armed, equipped, disciplined and ready for active service. And it shall be the duty of the Legislature at each session to make sufficient appropriations for the maintenance thereof.

Section 4. The Governor shall appoint the chiefs of the several staff departments, his aids-de-camp and military secretary, all of whom shall hold office during his pleasure, their commissions to expire with the term for which the Governor shall have been elected; he shall also nominate, and with the consent of the Senate appoint, all major-generals.

Section 5. All other commissioned and non-commissioned officers shall be chosen or appointed in such manner as the Legislature may deem most conducive to the improvement of the militia, provided, however, that no law shall be passed changing the existing mode of election and appointment unless two-thirds of the members present in each house shall concur therein.

Section 6. The commissioned officers shall be commissioned by the Governor as commander-in-chief. No commissioned officer shall be removed from office during the term for which he shall have been appointed or elected, unless by the Senate on the recommendation of the Governor, stating the grounds on which such removal is recommended, or by the sentence of a court-martial, or upon the findings of an examining board organized pursuant to law, or for absence without leave for a period of six months or more.

ARTICLE XII.

Section 1. It shall be the duty of the Legislature to provide for the organization of cities and incorporated villages, and to restrict their power of taxation, assessment, borrowing money, contracting debts, and loaning their credit, so as to prevent abuses in assessments, and in contracting debt by such municipal corporations.

Section 2. All cities are classified according to the latest State enumeration, as from time to time made, as follows: The first class includes all cities having a population of two hundred and fifty thousand, or more; the second class, all cities having a population of fifty thousand and less than two hundred and fifty thousand; the third class, all other cities. Laws relating to the property, affairs or government of cities, and the several departments thereof, are divided into general and special city laws; general city laws are those which relate to all the cities of one or more classes; special city laws are those which relate to a single city, or to less than all the cities of a class. Special city laws shall not be passed except in conformity with the provisions of this section. After any bill for a special city law, relating to a city, has been passed by both branches of the Legislature, the house in which it originated shall immediately transmit a certified copy thereof to the mayor of such city, and within fifteen days thereafter the mayor shall return such bill to the house from which it was sent, or if the session of the Legislature at which such bill was passed has terminated, to the Governor, with the mayor's certificate thereon, stating whether the city has or has not accepted the same.

In every city of the first class, the mayor, and in every other city, the mayor and the legislative body thereof concurrently, shall act for such city as to such bill; but the Legislature may provide for the concurrence of the legislative body in cities of the first class. The Legislature shall provide for a public notice and opportunity for a public hearing concerning any such bill in every city to which it relates, before action thereon. Such a bill, if it relates to more than one city, shall be transmitted to the mayor of each city to which it relates, and shall not be deemed accepted unless accepted as herein provided, by every such city. Whenever any such bill is accepted as herein provided, it shall be subject as are other bills, to the action of the Governor. Whenever, during the session at which it was passed, any such bill is returned without the acceptance of the city or cities to which it relates, or within such fifteen days is not returned, it may nevertheless again be passed by both branches of the Legislature, and it shall then be subject as are other bills, to the action of the Governor. In every special city law which has been accepted by the city or cities to which it relates, the title shall be followed by the words "accepted by the

city," or "cities," as the case may be; in every such law which is passed without such acceptance, by the words "passed without the acceptance of the city," or "cities," as the case may be.

Section 3. All elections of city officers, including supervisors and judicial officers of inferior local courts, elected in any city or part of a city, and of county officers elected in the counties of New York and Kings, and in all counties whose boundaries are the same as those of a city, except to fill vacancies, shall be held on the Tuesday succeeding the first Monday in November in an odd-numbered year, and the term of every such officer shall expire at the end of an odd-numbered year. The terms of office of all such officers elected before the first day of January, one thousand eight hundred and ninety-five, whose successors have not then been elected, which under existing laws would expire with an even-numbered year, or in an odd-numbered year and before the end thereof, are extended to and including the last day of December next following the time when such terms would otherwise expire; the terms of office of all such officers, which under existing laws would expire in an even-numbered year, and before the end thereof, are abridged so as to expire at the end of the preceding year. This section shall not apply to any city of the third class, or to elections of any judicial officer, except judges and justices of inferior local courts.

ARTICLE XIII.

Section 1. Members of the Legislature, and all officers, executive and judicial, except such inferior officers as shall be by law exempted shall, before they enter on the duties of their respective offices, take and subscribe the following oath or affirmation: "I do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of New York, and that I will faithfully discharge the duties of the office of ———, according to the best of my ability;" and all such officers who shall have been chosen at any election shall, before they enter on the duties of their respective offices, take and subscribe the oath or affirmation above prescribed, together with the following addition thereto, as part thereof:

"And I do further solemnly swear (or affirm) that I have not directly or indirectly paid, offered or promised to pay, contributed, or offered or promised to contribute any money or other val-

uable thing as a consideration or reward for the giving or withholding a vote at the election at which I was elected to said office, and have not made any promise to influence the giving or withholding any such vote," and no other oath, declaration or test shall be required as a qualification for any office of public trust.

Section 2. Any person holding office under the laws of this State, who, except in payment of his legal salary, fees or perquisites, shall receive or consent to receive, directly or indirectly, any thing of value or of personal advantage, or the promise thereof, for performing or omitting to perform any official act, or with the express or implied understanding that his official action or omission to act is to be in any degree influenced thereby, shall be deemed guilty of a felony. This section shall not affect the validity of any existing statute in relation to the offense of bribery.

Section 3. Any person who shall offer or promise a bribe to an officer, if it shall be received, shall be deemed guilty of a felony and liable to punishment, except as herein provided. No person offering a bribe shall, upon any prosecution of the officer receiving such bribe, be privileged from testifying in relation thereto, and he shall not be liable to civil or criminal prosecution therefor, if he shall testify to the giving or offering of such bribe. Any person who shall offer or promise a bribe, if it be rejected by the officer to whom it was tendered, shall be deemed guilty of an attempt to bribe, which is hereby declared to be a felony.

Section 4. Any person charged with receiving a bribe, or with offering or promising a bribe, shall be permitted to testify in his own behalf in any civil or criminal prosecution therefor.

Section 5. No public officer, or person elected or appointed to a public office, under the laws of this State, shall directly or indirectly ask, demand, accept, receive or consent to receive for his own use or benefit, or for the use or benefit of another, any free pass, free transportation, franking privilege or discrimination in passenger, telegraph or telephone rates, from any person or corporation, or make use of the same himself or in conjunction with another. A person who violates any provision of this section, shall be deemed guilty of a misdemeanor, and shall forfeit his office at the suit of the Attorney-General. Any corporation, or officer or agent thereof, who shall offer or promise to a public officer, or person elected or appointed to a

public office, any such free pass, free transportation, franking privilege or discrimination, shall also be deemed guilty of a misdemeanor and liable to punishment except as herein provided. No person, or officer or agent of a corporation giving any such free pass, free transportation, franking privilege or discrimination hereby prohibited, shall be privileged from testifying in relation thereto, and he shall not be liable to civil or criminal prosecution therefor if he shall testify to the giving of the same.

Section 6. Any district attorney who shall fail faithfully to prosecute a person charged with the violation in his county of any provision of this article which may come to his knowledge, shall be removed from office by the Governor, after due notice and an opportunity of being heard in his defense. The expenses which shall be incurred by any county, in investigating and prosecuting any charge of bribery or attempting to bribe any person holding office under the laws of this State, within such county, or of receiving bribes by any such person in said county, shall be a charge against the State, and their payment by the State shall be provided for by law.

Pending the further reading of the Constitution.

By unanimous consent.

Mr. Root moved that the time of the session be extended until the reading of the Constitution down to and including article 14 is concluded, and that then the Convention adjourn until twelve o'clock to-morrow.

Mr. McClure moved to strike out "twelve" and insert "ten" in lieu thereof.

Mr. President put the question on the motion of Mr. McClure, and it was determined in the affirmative.

Mr. President put the question on the motion of Mr. Root, as amended, and it was determined in the affirmative.

The reading of the Constitution was then proceeded with.

ARTICLE XIV.

Section 1. Any amendment or amendments to this Constitution may be proposed in the Senate and Assembly; and if the same shall be agreed to by a majority of the members elected to each of the two houses, such proposed amendment or amendments shall be entered on their Journals, and the yeas and

nays taken thereon, and referred to the Legislature to be chosen at the next general election of Senators, and shall be published for three months previous to the time of making such choice; and if in the Legislature so next chosen, as aforesaid, such proposed amendment or amendments shall be agreed to by a majority of all the members elected to each house, then it shall be the duty of the Legislature to submit each proposed amendment or amendments to the people for approval in such manner and at such times as the Legislature shall prescribe; and if the people shall approve and ratify such amendment or amendments by a majority of the electors voting thereon, such amendment or amendments shall become a part of the Constitution from and after the first day of January next after such approval.

Section 2. At the general election to be held in the year one thousand nine hundred and sixteen, and every twentieth year thereafter, and also at such times as the Legislature may by law provide, the question, "Shall there be a convention to revise the Constitution and amend the same?" shall be decided by the electors of the State; and in case a majority of the electors voting thereon shall decide in favor of a convention for such purpose, the electors of every Senate district of the State, as then organized, shall elect three Delegates at the next ensuing general election at which members of the Assembly shall be chosen, and the electors of the State voting at the same election shall elect fifteen Delegates-at-Large. The Delegates so elected shall convene at the capitol on the first Tuesday of April next ensuing after their election, and shall continue their session until the business of such convention shall have been completed. Every Delegate shall receive for his services the same compensation and the same mileage as shall then be annually payable to the members of the Assembly. A majority of the convention shall constitute a quorum for the transaction of business, and no amendment to the Constitution shall be submitted for approval to the electors as hereinafter provided, unless by the assent of a majority of all the Delegates elected to the convention, the yeas and nays being entered on the Journal to be kept. The convention shall have the power to appoint such officers, employes and assistants as it may deem necessary, and fix their compensation and to provide for the printing of its documents, Journals and proceedings. The convention shall determine the rules of its own proceedings, choose its own offi-

cers, and be the judge of the election, returns and qualifications of its members. In case of a vacancy, by death, resignation or other cause, of any district Delegate elected to the convention, such vacancy shall be filled by a vote of the remaining Delegates representing the district in which such vacancy occurs. If such vacancy occurs in the office of a Delegate-at-Large, such vacancy shall be filled by a vote of the remaining Delegates-at-Large. Any proposed constitution or constitutional amendment which shall have been adopted by such convention, shall be submitted to a vote of the electors of the State at the time and in the manner provided by such convention, at an election which shall be held not less than six weeks after the adjournment of such convention. Upon the approval of such constitution or constitutional amendments, in the manner provided in the last preceding section, such constitution or constitutional amendment, shall go into effect on the first day of January next after such approval.

Section 3. Any amendment proposed by a constitutional convention relating to the same subject as an amendment proposed by the Legislature, coincidently submitted to the people for approval at the general election held in the year one thousand eight hundred and ninety-four, or at any subsequent election, shall, if approved, be deemed to supersede the amendment so proposed by the Legislature.

The reading of said Constitution, to and including article 14 being concluded, the Convention adjourned.

Friday, September 28, 1894.

The Convention met pursuant to adjournment.

Prayer by Rev. Mr. Wolsey Stryker, D. D.

On motion of Mr. Acker, the reading of the Journal of Thursday, September twenty-seventh, was dispensed with.

The last Record appearing upon the files of members to-day is of date, September third.

On motion of Mr. President, the privileges of the floor were extended to Dr. M. Woolsey Stryker, president of Hamilton College.

The President then directed the Secretary to read the last article (being article 15) of the Constitution.

Said article was then read, in words following:

ARTICLE XV.

Section 1. This Constitution shall be in force from and including the first day of January, one thousand eight hundred and ninety-five, except as herein otherwise provided.

Which concluded the reading of said Constitution.

Mr. President then stated the question to be on agreeing to the report of the Committee on Revision and Engrossment and the final adoption of the form of said proposed Revised Constitution.

Mr. I. S. Johnson moved to recommit said Constitution to the Committee on Revision and Engrossment, with instructions to report the same forthwith, amended as follows :

By adding at the end of section 3, article 14, the following :

ARTICLE XV.

Section 1. The Legislature at its first session after the adoption of this Constitution, shall appoint three commissioners whose duty it shall be to report to the Legislature bills for the assessment and collection of taxes, and the exemption of property from taxation throughout this State, and also prescribing the rights, duties and liability of employers and employes, such commissioners to hold office for such time as the Legislature shall provide, not exceeding two years.

Mr. Galinger moved to lay the motion of Mr. Johnson upon the table.

Mr. President put the question on the motion of Mr. Galinger, and it was determined in the affirmative.

The question then being on agreeing to said report and the final adoption of the proposed Revised Constitution, it was decided in the affirmative.

Ayes — Messrs. Abbott, Acker, Ackerly, Arnold, Baker, Barhite, Barnum, Barrow, Becker, Brown, E. A.; Brown, E. R.; Cady, Carter, Church, Clark, G. W.; Clark, H. A.; Coleman, Cookinham, Cornwell, Countryman, Crosby, Davies, J. C.; Davis, G. A.; Deterling, Dickey, Durfee, Faber, Floyd, Foote, Francis, Frank, Andrew; Frank, Augustus; Fraser, Fuller, C. A.; Fuller, O. A.; Galinger, Gilbert, Goodelle, Hamlin, Hawley, Hecker, Hedges, Hill, Hirschberg, M. H.; Holls, Jacobs, Johnson, J.; Kellogg, Kinkel, Lauterbach, Lester, Lewis, C. H.; Lincoln, Lyon, Manley, Mantanye, Marshall, McArthur, McIntyre, McKinstry, McLaughlin, C. B.; McMillan, Mereness, Moore, Morton, Nichols, W. H.; Nostrand, O'Brien, Parker, Parkhurst, Pashley, Phipps, Pool, Porter, Powell, Putnam, Redman, Root, Spencer, Springweiler, Steele, A. B.; Steele, W. H.; Storm, Sullivan, T. A.; Tibbetts, Turner, Vedder, Vogt, Wellington, Whitmyer, Wiggins, Woodward, President — 93.

Noes — Messrs. Alvord, Banks, Bigelow, Blake, Bowers, Burr, Campbell, Chipp, Jr.; Danforth, Davenport, Deady, Dean, Deyo, Durnin, Emmet, Fitzgerald, Forbes, Gibney, Giegerich, Gilleran, Goeller, Green, A. H.; Green, J. I.; Griswold, Herzberg, A.; Holcomb, Hottenroth, Jenks, Johnson, I. Sam; Kerwin, McClure, Nicoll, De L.; Ohmeis, Osborn, Parmenter, Peabody, Peck, Platzek, Roche, Rogers, Rowley, Sandford, Titus, Tucker, Veeder, Williams — 46.

After the vote had been announced, Mr. I. S. Johnson desired to change his vote from the negative to the affirmative, and it was objected to.

Mr. Smith desired to be recorded in the negative, and it was objected to.

Mr. Schumaker desired to be recorded in the negative, and it was objected to.

Mr. Vedder then moved that the Convention take a recess until two o'clock P. M., and on that motion moved the previous question.

Mr. President put the question on the motion for the previous question, and Messrs. Lester and Schumaker were appointed as tellers, and announced the following vote: Ayes, 81; noes, 43, and the motion was declared carried.

And the Convention took a recess until two o'clock P. M.

AFTERNOON SESSION.

Two o'clock P. M.

The Convention again met.

The President directed the Secretary to call the roll to ascertain the presence of a quorum, when the following Delegates answered to the call of their names:

Messrs. Abbott, Acker, Ackerly Alvord, Arnold, Banks, Barhite, Barnum, Barrow, Blake, Burr, Cady, Chipp, Jr.; Clark, H. A.; Coleman, Cookinham, Cornwell, Davenport, Davies, J. C.; Davis, G. A.; Dean, Deterling, Deyo, Dickey, Durnin, Emmet, Faber, Floyd, Forbes, Fraser, Fuller, C. A.; Fuller, O. A.; Galinger, Gibney, Giegerich, Gilbert, Gilleran, Goodelle, Green, A. H.; Green, J. I.; Griswold, Hamlin, Hedges, Herzberg, A.; Hill, Holls, Jenks, Johnson, I. Sam; Johnson, J.; Johnston, R. M.; Kellogg, Kerwin, Lauterbach, Lester, Lewis, C. H.; Lincoln, Manley, Mantanye, Marshall, Maybee, McArthur, McClure, McDonough, McKinstry, McLaughlin, C. B.; McMillan, Mereness, Moore, Morton, Nicoll, De L.; Nostrand, O'Brien, Ohmeis, Osborn, Parker, Parmenter, Peabody, Peck, Platzek, Pool, Porter, Powell, Putnam, Roche, Rogers, Sandford, Spencer, Springweiler, Steele, A. B.; Steele, W. H.; Storm, Sullivan, T. A.; Titus, Tucker, Turner, Vedder, Veeder, Vogt, Wellington, Whitmyer, Williams, Woodward, President.

Mr. Hedges moved that the Compiler be instructed to forward to the members of the Convention such documents as are necessary to complete the files, when they are printed.

Mr. President put the question on said motion, and it was determined in the affirmative.

Mr. Hill moved that the document room be kept open in charge of the officers Hufcutt and Fayel, as long as necessary, until the documents yet to be printed have been received and distributed.

Mr. President put the question on said motion, and it was determined in the affirmative.

Mr. Holls moved that the President and Secretary attest the engrossed copy of the Constitution as adopted this day, in behalf of the Convention.

Mr. President put the question on said motion, and it was determined in the affirmative.

Mr. Goodelle called up the report of the Committee on Contingent Expenses, in words following :

Mr. Lyon, from the Committee on Contingent Expenses, reported as follows :

The Committee on Contingent Expenses, to which was referred the annexed claim of Edward M. Seacord, a messenger of the Convention, for additional compensation of three dollars per day from May 23, 1894, on account of services performed by him in clerical work as committee clerk, would respectfully report :

That, in the opinion of three of the members of said committee, Messrs. Faber, Green and Tekulsky, the charge is reasonable and proper and should be allowed and paid by the Convention; and that, in the opinion of four of the members of said committee, Messrs. Brown, Whitmyer, Pashley and Lyon, the said charge is not a proper charge, and that the Convention has not the power to allow or pay said claim.

GEORGE F. LYON,
Chairman.

Mr. Goodelle offered a resolution in words following:

Whereas, Mr. Edward M. Seacord, of Cortland, was appointed a messenger and has only received pay as such, but by reason of the lack of sufficient clerical force and the necessity for the aid of additional clerks to make the work of committees and of the Convention effective, he has been ordered to act as clerk, and he has acted as such from May 23, 1894, and has been an efficient and faithful clerk, performing with marked ability all additional services put upon him.

Resolved, That as one of the necessary expenses of the Convention, he be paid for his additional service and responsibility the further sum of three dollars per day for the services from May 23, 1894, making his pay the same as that of other clerks, and the payment thereof is hereby directed, authorized and

directed to be made out of the fund appropriated for the expenses of this Convention.

Mr. President put the question on the adoption of the report.

Mr. Goodelle moved to disagree with the report and that the resolution offered by him contained in said report, be adopted.

Mr. President put the question on the motion of Mr. Goodelle, and it was determined in the affirmative.

Mr. McMillan called up the report of the Committee on Contingent Expenses, in words following :

Mr. Lyon, from the Committee on Contingent Expenses, to which was referred the annexed resolution reciting that Thomas Rochford be and hereby is entitled, since the twenty-ninth day of May last, to such pay as is commensurate with such added duties and work required and performed by him, would respectfully report :

That Thomas Rochford was appointed a messenger of this Convention on May twenty-second, and was on May twenty-ninth assigned by the Secretary of the Convention to assist the Financial Secretary in clerical work, and has so assisted since that time.

That Mr. Rochford has received for his services three dollars per day for seven days each week, which is the compensation allowed messengers of the Legislature.

That four members of the Committee on Contingent Expenses, favor an additional allowance to Mr. Rochford, and three members of the committee are opposed to any additional allowance.

GEORGE F. LYON,
Chairman.

Mr. Kurth offererd a resolution in words following:

Whereas, Thomas Rochford was, on the 22d day of May, 1894, duly appointed a messenger of this Convention and duly qualified and entered upon his duties as such; and

Whereas, Thereafter and on the twenty-ninth day of May, he was transferred to the office of the Financial Secretary of the Convention, and therein required to do clerical work and assist in making up the pay-rolls and receipts of the Convention, and as well as perform duties as messenger in said office;

Resolved, That said Thomas Rochford be and he hereby is entitled, since the twenty-ninth day of May, to such pay as is commensurate with such added duties and work required and performed by him.

Mr. McMillan moved to amend as follows :

Resolved, That the amount of compensation to be paid to Thomas Rochford for extra services rendered as assistant to the Financial Secretary, be the sum of two dollars per diem from May 29, 1894, to the final adjournment of this Convention, and that the payment thereof out of the fund appropriated for the expenses of this Convention, be and hereby is authorized and directed.

Mr. McMillan moved that the report of the Committee be agreed to, and also the resolution offered by him in relation thereto.

Mr. President put the question on the motion of Mr. McMillan, and it was determined in the affirmative.

Mr. A. B. Steele called up the report of the Committee on Contingent Expenses, in words following :

Mr. Lyon, from the Committee on Contingent Expenses, also reported as follows :

The Committee on Contingent Expenses, to which was referred the annexed claim of Albert B. Crumb, a messenger of the Convention, for additional compensation of three dollars per day from May 21, 1894, amounting to the sum of \$351, on account of services performed by him in the Convention post-office, would respectfully report :

That, in the opinion of three of the members of said committee, Messrs. Faber, Green and Tekulsky, the charge is reasonable and proper, and should be allowed and paid by the Convention; and that, in the opinion of four of the members of said committee, Messrs. Brown, Whitmyer, Pashley and Lyon, the said charge is not a proper charge and that the Convention has not the power to allow or pay said claim.

GEORGE F. LYON,
Chairman.

The People of the State of New York to Albert R. Crumb, Dr.
 To extra services rendered by him as assistant post-
 master of the Constitutional Convention, in addition
 to his duties as messenger from May 21 to Septem-
 ber 15, 1894, inclusive, being in all one hundred and
 seventy days, at three dollars per day, amount-
 ing to..... \$351 00

On motion of Mr. A. B. Steele :

Whereas, Albert B. Crumb, one of the messengers at this Con-
 vention, has continuously acted as assistant postmaster since
 May twenty-first. Now, therefore, it is hereby

Resolved, That an additional sum of three dollars per day be
 allowed and paid to said Crumb for his services as assistant
 postmaster.

Mr. A. B. Steele moved to disagree with the report of said
 committee, and that the resolution offered by him be adopted,
 covering the pay of Mr. Crumb up to the present time.

Mr. President put the question on the motion of Mr. Steele,
 and it was determined in the affirmative.

Mr. W. H. Steele offered a resolution in words following :

Whereas, The compensation of the clerks of the committees
 was fixed at seven dollars per day, a sum greater than that
 received by the secretaries of the Convention; therefore, be it

Resolved, That the Secretary be and he hereby is allowed five
 dollars per day additional, and that each of the Assistant Secre-
 taries be and they hereby are allowed four dollars per day addi-
 tional, to date from the eighth day of May last, and the Comp-
 troller is hereby authorized and directed to pay the same out of
 the funds set apart for the Convention.

Mr. C. B. McLaughlin moved to lay the resolution on the table.

Mr. President put the question on the motion to lay on the
 table, and it was determined in the affirmative.

Mr. Root offered the following resolution :

Resolved, That the Revised Constitution adopted by this Con-
 vention be submitted to the people for their adoption or rejection
 at the general election to be held on the sixth day of November,
 one thousand eight hundred and ninety-four, in the manner fol-
 lowing, that is to say:

The submission shall be in three separate propositions, as follows :

First. The Proposed Revised Constitution, except the proposed amendments to sections two, three, four, and five of article three, providing a new legislative apportionment, and except the proposed new section ten of article seven, providing for the improvement of the canals.

Second. The proposed amendments to sections two, three, four, and five of article three, providing a new legislative apportionment.

Third. The proposed new section of article seven, providing for the improvement of the canals.

There shall be three ballot boxes at each polling place for the reception of ballots on said propositions.

Two kinds of official ballots shall be provided at public expense at each polling place, indorsed on the back with the words "Revised Constitution," and in the form prescribed by law.

There shall be printed on the face thereof below the perforated line upon each of one kind of such official ballots the following words, that is to say :

"FOR

the Revised Constitution, except the provisions thereof relating to Legislative Apportionment and Canal Improvement."

There shall be printed on the face thereof below the perforated line, upon each of the other kind of such official ballots, the following words, that is to say :

"AGAINST

the Revised Constitution, except the provisions thereof relating to Legislative Apportionment and Canal Improvement."

Two kinds of official ballots shall be in like manner provided at each polling place, indorsed on the back with the words "Constitutional Amendment, Legislative Apportionment," and in the form prescribed by law.

There shall be printed on the face thereof below the perforated line upon each of one kind of such official ballots, the following words, that is to say :

"FOR

sections two, three, four, and five of article three of the Revised Constitution, relating to Legislative Apportionment."

There shall be printed on the face thereof below the perforated line, upon each of the other kind of such official ballots, the following words, that is to say :

“AGAINST

sections two, three, four, and five of article three of the Revised Constitution, relating to Legislative Apportionment.”

Two kinds of official ballots shall be in like manner provided at each balloting place, indorsed on the back with the words “Constitutional Amendment Canal Improvement,” and in the form prescribed by law.

There shall be printed on the face thereof below the perforated line upon each of one kind of such official ballots, the following words, that is to say :

“FOR

section ten of article seven of the Revised Constitution, relating to the Improvement of the Canals.”

There shall be printed on the face thereof below the perforated line, upon each of the other kind of such official ballots, the following words, that is to say :

“AGAINST

section ten of article seven of the Revised Constitution, relating to the Improvement of the Canals.”

If a majority of the votes cast indorsed “Revised Constitution,” shall contain on the inside the words “For the Revised Constitution, except the provisions thereof relating to Legislative Apportionment and Canal Improvement,” then the Proposed Revised Constitution shall be the Constitution of the State of New York, except as the same may be modified by the result of the vote upon the second and third propositions, above specified.

If a majority of the votes cast so indorsed shall contain on the inside the words “Against the Revised Constitution, except the provisions thereof relating to Legislative Apportionment and Canal Improvement,” then the Proposed Revised Constitution shall be declared rejected and the present Constitution shall remain in force, except as the same may be modified by the result of the vote on the second and third propositions, above specified.

If a majority of the votes cast indorsed “Constitutional Amendment, Legislative Apportionment,” shall contain on the inside the words “For sections two, three, four, and five of article three

of the Revised Constitution, relating to Legislative Apportionment," then the amended sections therein described shall be sections two, three, four, and five of article three of the Constitution. If a majority of the votes cast so indorsed shall contain on the inside the words "Against sections two, three, four, and five of article three of the Revised Constitution, relating to Legislative Apportionment," the said amendment shall be declared rejected and sections two, three, four, and five of article three of the present Constitution, shall remain in force and effect. If a majority of the votes cast indorsed "Constitutional Amendment, Canal Improvement," shall contain on the inside the words "For section ten of article seven of the Revised Constitution, relating to the Improvement of the Canals," then the said proposed amendment shall be section ten of article seven of the Revised Constitution, or section fifteen of article seven of the existing Constitution, as the case may be.

If a majority of the votes cast indorsed "Constitutional Amendment, Canal Improvement," shall contain on the inside the words "Against section ten of article seven of the Revised Constitution, relating to the Improvement of the Canals," then the said proposed amendment shall be declared rejected.

It shall be the duty of the Secretary of State as soon as practicable after the delivery to him of the Revised Constitution adopted by the Convention and of a duly authenticated copy of this resolution, to transmit to the county clerk of each county a notice under his hand and official seal, setting forth a copy of the said Revised Constitution, together with a copy of this resolution and the forms of the ballots herein prescribed, and stating that the said Revised Constitution and the amendments therein provided, will be submitted to the people for their adoption or rejection on the day heretofore fixed as the day of the general election in November, eighteen hundred and ninety-four, in accordance with the provisions of this resolution.

It shall be the duty of the Secretary of State to cause the said proposed Revised Constitution, together with a copy of this resolution, to be published in accordance with the provisions of section 7 of chapter 680, of the Laws of 1892, together with a brief statement of the law and proceedings authorizing such submission, the fact that such submission will be made, and the forms of the ballots to be voted thereon as herein prescribed. The first publication in each newspaper shall be made as soon

as practicable, and such publication shall continue once in each week to the time of the election.

It shall be the duty of each county clerk upon the receipt of the notice from the Secretary of State, to file and record it in his office, and in all respects proceed thereon pursuant to chapter 680 of the Laws of 1892, so far as the same is applicable.

But no failure of such publication, filing or recording, shall invalidate or affect the submission of the said propositions to the people as hereinbefore prescribed, or the result of their action thereon.

Mr. Kerwin offered the following amendment :

Two kinds of like ballots shall be provided at the polling place indorsed on the back thereof. "Prison Labor."

On one of said ballots below the perforated line on the inside thereof, shall be printed the words :

"FOR

the abolition of Prison Competitive Labor."

On the other of said ballots shall be printed below the perforated line on the face thereof the words:

"AGAINST

the abolition of Prison Competitive Labor."

One ballot shall be indorsed "Apportionment," and there shall be printed on the face thereof below the perforated line the words, "Against the amendment to the Constitution, providing for a new Apportionment of Senators and Assemblymen."

Each elector shall be allowed to vote two of such ballots, which shall be deposited in separate boxes, and the ballots not voted shall be deposited in the box or boxes provided for ballots not voted.

Mr. McDonough moved the previous question.

Mr. President put the question on the motion of Mr. McDonough, and Messrs. Acker and Burr were appointed as tellers, and announced the following vote : Ayes, 63; noes, 49, and the motion was declared carried.

Mr. Root moved to reconsider said vote.

Mr. President put the question on the motion to reconsider, and it was determined in the affirmative.

Mr. President put the question on the motion of Mr. McDonough for the previous question, and it was determined in the negative.

Mr. Jenks moved that the article or rule offered by Mr. Root be amended by striking out all reference to the amendment regarding "canals," and inserting in place thereof a reference to the amendment for the abolition of prison competitive labor.

Mr. E. R. Brown moved the previous question.

Mr. President put the question on ordering the previous question, and it was determined in the affirmative.

Mr. President put the question on the motion of Mr. Kerwin, and it was determined in the negative.

Ayes — Messrs. Banks, Blake, Bowers, Burr, Campbell, Chipp, Jr.; Coleman, Danforth, Davenport, Deady, Deyo, Durnin, Emmet, Forbes, Gibney, Giegerich, Gilleran, Goeller, Green, J. I.; Hecker, Herzberg, A.; Holcomb, Hottenroth, Jenks, Kerwin, Mantanye, McArthur, McClure, Mulqueen, Nicoll, De L.; Ohmeis, Osborn, Parmenter, Peabody, Peck, Platzek, Porter, Roche, Rogers, Sandford, Speer, Springweiler, Titus, Tucker, Turner, Veeder, Williams — 47.

Noes — Messrs. Abbott, Acker, Ackerly, Alvord, Arnold, Baker, Barhite, Barnum, Barrow, Becker, Brown, E. A.; Brown, E. R.; Cady, Carter, Church, Clark, G. W.; Clark, H. A.; Cookinham, Cornwell, Countryman, Davies, J. C.; Davis, G. A.; Dean, Deterling, Dickey, Durfee, Faber, Floyd, Foote, Francis, Frank, Andrew; Frank, Augustus; Fraser, Fuller, C. A.; Fuller, O. A.; Galinger, Gilbert, Goodelle, Hamlin, Hawley, Hedges, Hill, Holls, Jacobs, Johnson, I. Sam; Johnson, J.; Johnston, R. M.; Kellogg, Kinkel, Lauterbach, Lester, Lewis, C. H.; Lincoln, Lyon, Manley, Marshall, McDonough, McIntyre, McKinsty, McLaughlin, C. B.; McMillan, Mereness, Moore, Nichols, W. H.; Nostrand, O'Brien, Parker, Parkhurst, Pool, Powell, Putnam, Root, Spencer, Steele, A. B.; Steele, W. H.; Storm, Sullivan, T. A.; Vedder, Vogt, Wellington, Whitmyer, Woodward, President — 83.

Mr. President put the question on the motion of Mr. Jenks, and it was determined in the negative.

Ayes — Messrs. Banks, Blake, Bowers, Burr, Campbell, Chipp, Jr.; Countryman, Danforth, Davenport, Deady, Deyo, Durnin, Emmet, Forbes, Gibney, Giegerich, Gilleran, Goeller, Green, J. I.; Hecker, Herzberg, A.; Holcomb, Hottenroth, Jenks,

Kerwin, Mantanye, McArthur, McClure, Mulqueen, Nicoll, De L.; Ohmeis, Osborn, Parmenter, Peabody, Peck, Platzek, Roche, Rogers, Sandford, Speer, Titus, Tucker, Veeder, Williams — 45.

Noes — Messrs. Abbott, Acker, Ackerly, Alvord, Arnold, Baker, Barhite, Barnum, Barrow, Becker, Brown, E. A.; Brown, E. R.; Cady, Carter, Church, Clark, G. W.; Clark, H. A.; Coleman, Cookinham, Cornwell, Davies, J. C.; Davis, G. A.; Dean, Deterling, Dickey, Durfee, Faber, Floyd, Foote, Francis, Frank, Andrew; Frank, Augustus; Fraser, Fuller, C. A.; Fuller, O. A.; Galinger, Goodelle, Hamlin, Hawley, Hedges, Hill, Holls, Jacobs, Johnson, I. Sam; Johnson, J.; Johnston, R. M.; Kellogg, Kinkel, Lauterbach, Lester, Lewis, C. H.; Lincoln, Lyon, Manley, Marshall, Maybee, McDonough, McIntyre, McKinstry, McLaughlin, C. B.; McMillan, Mereness, Moore, Nichols, W. H.; Nostrand, O'Brien, Parker, Parkhurst, Pool, Porter, Powell, Putnam, Root, Spencer, Springweiler, Steele, A. B.; Steele, W. H.; Storm, Tibbetts, Turner, Vedder, Vogt, Wellington, Whitmyer, Woodward, President — 85.

Mr. President put the question on the resolution offered by Mr. Root, and it was determined in the affirmative.

Ayes — Messrs. Abbott, Acker, Ackerly, Alvord, Arnold, Baker, Barhite, Barnum, Barrow, Becker, Brown, E. A.; Brown, E. R.; Cady, Carter, Church, Clark, G. W.; Clark, H. A.; Coleman, Cookinham, Cornwell, Countryman, Davies, J. C.; Davis, G. A.; Deterling, Dickey, Durfee, Faber, Floyd, Foote, Francis, Frank, Andrew; Frank, Augustus; Fuller, C. A.; Fuller, O. A.; Galinger, Goodelle, Hamlin, Hawley, Hecker, Hedges, Hill, Holls, Jenks, Johnson, I. Sam; Johnson, J.; Johnston, R. M.; Kellogg, Kinkel, Lauterbach, Lester, Lewis, C. H.; Lincoln, Manley, Marshall, Maybee, McDonough, McIntyre, McKinstry, McLaughlin, C. B.; McMillan, Mereness, Moore, Nichols, W. H.; Nicoll, De L.; Nostrand, O'Brien, Parker, Parkhurst, Phipps, Pool, Porter, Powell, Putnam, Roche, Root, Spencer, Springweiler, Steele, A. B.; Steele, W. H.; Storm, Sullivan, T. A.; Tibbetts, Turner, Vedder, Vogt, Wellington, Whitmyer, Woodward, President — 89.

Noes — Messrs. Banks, Blake, Bowers, Burr, Campbell, Chipp, Jr.; Danforth, Davenport, Deady, Dean, Deyo, Durnin, Emmet, Forbes, Gibney, Giegerich, Gilleran, Goeller, Green, J. I.; Griswold, Herzberg, A.; Holcomb, Hottenroth, Kerwin, McArthur, McClure, Mulqueen, Ohmeis, Osborn, Parmenter, Peabody,

Peck, Platzek, Rogers, Sandford, Smith, Speer, Titus, Tucker, Veeder, Williams — 41.

Mr. Becker offered a resolution in words following:

Resolved, That the Secretary of State be and he hereby is requested to cause the revision and amendments proposed by this Convention to be printed and published as required by law and the resolution this day adopted, in such form and type that the proposed new constitutional provisions shall be distinguishable from the provisions of the present Constitution proposed to be revised or amended.

Mr. President put the question on the resolution offered by Mr. Becker, and it was determined in the affirmative.

Mr. E. R. Brown called up the report of the Committee on Contingent Expenses in words following:

The Committee on Contingent Expenses, to which was referred the annexed resolution, providing for the payment to Joseph Fayel of the sum of six dollars per day during the session on account of services performed by him in the document room, would respectfully report: That said Joseph Fayel was appointed a messenger of the Convention, and as such became entitled to three dollars per day for his services, and that he was thereafter assigned to assist in the work of the document room, in accordance with the provisions of Rule 72, authorizing the President of the Convention to detail messengers to render such assistance as might be necessary. The Committee on Contingent Expenses is of the opinion that the Convention has not the power to allow the additional compensation asked for, and reports adversely upon such application.

GEORGE F. LYON,
Chairman.

Mr. E. R. Brown moved to disagree with the report of the committee, and that the resolution offered by him be adopted, and it was determined in the affirmative.

On motion of Mr. Barhite:

Resolved, That the thanks of the Convention are hereby extended to Hon. M. Delehanty, Superintendent of the Capitol, and the attaches of his department, for their kindness and courtesy towards the members of the Convention, and the faithful discharge of the duties assigned them during the sessions of the Convention.

Mr. Cookinham, from the Special Committee on Address to the People, reported in words following:

IN CONVENTION.

Albany, September 28, 1894.

The Delegates of the people in Convention assembled, to revise and amend the Constitution of the State, present to the people a revised and amended Constitution of fifteen articles.

In this instrument we have retained the general framework and substance of the existing Constitution and have sought only to make such modifications as experience has shown to be desirable, without venturing upon undue experiments.

Out of more than four hundred amendments proposed and considered, we have adopted thirty-three, besides striking out obsolete matter.

The main features which we propose are as follows:

1. We renew the recommendation of the Convention of 1867, providing for progress in agriculture, by requiring general laws giving the right of drainage across adjoining lands.
2. We seek to separate, in the larger cities, municipal elections from State and national elections to the end that the business affairs of our great municipal corporations may be managed upon their own merits, uncontrolled by national and State politics, and to the end also that the great issues of national and State politics may be determined upon their own merits, free from the disturbing and often demoralizing effect of local contests. For this purpose, it has been necessary, by a series of amendments, to rearrange the terms of office and times of elections of the Governor, State officers, Senators and municipal officers so that the elections for State officers will occur on the even-numbered years and the elections for municipal officers on the odd-numbered years.
3. We have provided further safeguards against abuses in legislative procedure, by requiring that all bills shall be printed in their final form at least three days before their passage, prohibiting riders on appropriation bills, providing for notice to municipal authorities before special acts relating to the larger cities can take effect, prohibiting the issue of passes by railroad, telegraph and telephone companies to public officers, enlarging the express constitutional powers of the President of the Senate, and changing the date for the annual meeting of the Legislature from Tuesday

to Wednesday, for the better convenience of the members of the Legislature.

4. We have removed the prohibition against the sale of the Onondaga salt springs, which are a source of annual loss to the State. We have also removed the prohibition against the sale of the Hamburg canal in Buffalo, which is about one mile in length, and which serves no purpose except to breed pestilence. We have also provided that the public lands in the Forest Preserve shall never be sold or leased, and that the timber thereon shall never be cut. This amendment is deemed important, as it will preserve the water supply of our principal streams and a health resort for the people of the State.

5. We have removed from the Constitution all mention of the office of coroner, so that the Legislature may deal freely with that branch of the public service now in such an unsatisfactory condition.

6. The passion for gambling, to which the system of lotteries formerly ministered, has found fresh opportunity under the so-called Ives pool bill, and under color and pretext of betting upon horse races is working widespread demoralization and ruin among the young and weak throughout the community. We have extended the prohibition against lotteries so as to include all pool-selling, book-making and other forms of gambling.

It is claimed that this provision will array in opposition to the proposed Constitution a great and unscrupulous money power; but we appeal to the virtue and sound judgment of the people to sustain the position which we have taken.

7. We have abolished the statutory provision limiting the right of recovery for injuries causing death to \$5,000. There is little or no attempt to defend the justness of this limitation. There seems no adequate reason for fixing a limit by statute upon damages to be recovered in case of death, while for an injury which does not produce death, they are unlimited. The control of courts over excessive verdicts furnishes ample protection in either case.

8. We have sought to throw greater safeguards around the elective franchise by prescribing a period of ninety instead of ten days of citizenship before that right can be exercised, so that naturalization may be taken out of the hands of campaign committees and removed from the period immediately before election. We have found that in some cases, upon the eve of an important election, a single judge has naturalized citizens at the rate of more than five hundred a day. Such a procedure, of course, precludes

all inquiry into the qualifications of the applicant. It is degrading to citizenship and an injury to every citizen, whether native or foreign born. We think the simple provision which we propose will do much to prevent its recurrence.

We have also included institutions supported by private charity among those whose inmates do not acquire or lose a residence for the purpose of voting.

We have modified the language relating to election so that if any mechanical device for recording and counting votes is so perfected as to be superior to the present system, the Legislature may make trial of it.

We have established in the Constitution the well-tryed and satisfactory system of registration of votes, forbidding, however, any requirement of personal attendance on the first day of registration in the thinly-settled regions outside of the cities and large villages, where voters would have long distances to travel to the place of registration, and we have provided for securing an honest and fair election by requiring that on all election boards election officers shall equally represent the two principal political parties of the State.

9. We have provided for a new apportionment of Senate and Assembly districts, and for that purpose have fixed the number of the Senate at fifty and that of the Assembly at one hundred and fifty.

The number of Senators was first fixed at thirty-two in 1801. With this number the Senate districts, as formed under the Constitution of 1846, were of reasonable and convenient size, so that each Senator could come in contact with his constituents and readily represent them. In 1846, the only county in the State which had more than one Senator was New York, which had three.

In 1846 the citizen population of the State was 2,450,778, and in 1892 it was 5,790,865. In 1846 the ratio of population for a Senator was 76,586, and in 1892 it was fixed at 180,899. In 1894 we have fixed the ratio at 115,817.

Since 1846 the great increased population in the cities, entitling them to additional representation in the Senate, has required a corresponding decrease in the representation of the country districts, so that those districts have been constantly enlarged and their representation in the Senate has been constantly decreased. The object of the proposed increase is to restore the country districts to substantially the same relative position in which they were in 1846, and to provide for the increased representation of the

cities by the increase in number so that there will be effective representation of the country as well as of the city districts.

The increase in members of the Assembly was deemed necessary to maintain a due proportion between the members of the two houses and to permit, in the apportionment of members, a more reasonable recognition of the great difference in population in the smaller counties of the State. Under the present apportionment, St. Lawrence county, with 80,699 citizen inhabitants, has one member of Assembly, or the same representation accorded to Putnam county, with 13,325 citizen inhabitants. Such wide differences in representation are undesirable and unjust, and have been greatly reduced by the increase from one hundred and twenty-eight to one hundred and fifty, while the effectiveness of the body has not been impaired.

It is believed that the distribution both of Senators and Assemblymen by this arrangement has been made with absolute fairness. In both cases they are distributed in exact accordance with population so far as the maintenance of county lines permits, and no change in the distribution has been asked or suggested by anyone.

Attack has been made upon two rules laid down in the proposed measure for the guidance of the Legislature in future apportionments. One of these is the rule that no county shall have more than three Senators unless it shall have a full ratio for each Senator, although smaller counties may receive a Senator or an additional Senator on a major fraction of a ratio. The reasonableness of this rule is manifest when we consider that in the large counties which include many Senate districts, the surplus population of all those districts is to be taken together as a whole in determining whether another Senator shall be awarded to that county, while the surplus population of the smaller counties is not taken together for that purpose, but considered separately. So that an equal number of Senate districts outside of a great city might have many times a surplus population which would entitle the city to another Senator and still receive no additional representation. Even with this limitation, the advantage is still greatly on the side of the city as against the country districts on account of their small territory and the fact that all their representatives stand for the entire city.

The other rule attacked is that no one county shall have more than one-third of all the Senators, and that New York and Kings county together shall not have more than one-half of all the Senators.

We submit this to the people of the State without a doubt as to its propriety and fairness and in confident expectation of their approval.

Before another Constitutional Convention presents its work to the people, it is probable that the cities of New York and Brooklyn, or the greater city formed by their union, will contain a majority of the inhabitants of the State. If the present system continues, they will be able to elect the Governor, the State officers, a majority of the Senate and a majority of the Assembly. Both by force of numbers and the multiplied power of compact organization and cohesion among the representatives from a single county, responsible to a single local political organization, they will be able absolutely to control the government of the State. What will be the consequence of compelling the vast region extending from the city of New York to the St. Lawrence and to Lake Erie, with its varied interests, sentiments and opinions, not over well understood by the inhabitants of the city, to submit to such denomination? Would such an arrangement conduce to the permanent welfare of the State? Our opinion is that it would not, and that the provision which secures to the whole State outside of the city a bare half of one house of the Legislature, leaving to the city such control as its members may have over the other house and over the executive department, is a slender enough safeguard against so unfortunate a result.

We believe the provision to be sound in principle, that somewhere in every representative government, there should be a recognition of variety of interest and extent of territory as well as of mere numbers united in interest and location.

Such a departure from the rule of strict numerical representation is recognized by the Constitution of the United States in the organization of the Senate, by the Constitution of the State of Pennsylvania in limiting the representation which the city of Philadelphia may have in its Senate to one-sixth of its members, and by the Constitution of the State of Maryland in limiting the representation which the city of Baltimore may have. Similar provisions have been adopted by the State of Ohio affecting Cincinnati and Cleveland; the State of Missouri, affecting St. Louis; the State of Rhode Island, affecting Providence, and by other States of the Union having large cities. It is the rule rather than the exception throughout the Union.

10. We have declared in the Constitution the principle of civil service reform, that appointments and promotions are to be

based upon merit and ascertained so far as practicable by competitive examination.

We have sought by this to secure not merely the advantage derived from declaring the principle, but the practical, benefit of its extension to the State prisons, canals and other public works of the State, to which, under the existing Constitution, the court of last resort has decided that civil service rules cannot be applied.

11. In addition to the foregoing provisions for the improvement of the State administration, we have prohibited the contract system of convict labor. By these two provisions we have adopted in full the recommendations of the commissioners of the Prison Association in their report of 1867, and declared a settled policy in accordance with the most enlightened views of our time, with the belief that the application of these provisions will go far to prevent such jobbery and scandals as have affected their administration in the past.

12. We have authorized the Legislature to provide for the improvement of the canals, without, however, borrowing money for that purpose unless the people expressly authorize it pursuant to the provisions of article 7, section 12 of the present Constitution. Unless such authority for borrowing money is given, any improvement made must be paid for as it progresses in the same manner as the present expense of maintenance and repair, and the expenditure will thus remain under the control of the people.

13. We have required the Legislature to provide for free public schools, in which all the children of the State may be educated, and we have prohibited absolutely the use of public money in aid of sectarian schools. We have provided also for regulating and limiting the payment of public money to private institutions for the support of the poor by depriving the Legislature of the power to pass mandatory laws requiring such payments from counties, cities, towns and villages, and by subjecting such expenditures to the control of the State Board of Charities.

14. The revision of the judiciary article is designed to remedy the existing evils arising from the overcrowding of the trial calendars, especially in the large cities, and of the calendar of the Court of Appeals.

It seeks to accomplish the former by consolidating the Superior City Courts with the Supreme Court, thus securing greater economy of judicial force, and by a moderate increase in the number of justices. Not, however, making the number as great in propor-

tion to the population of the State as it was at the time of the last increase which the people approved in 1882.

We expect to obviate the overcrowding of the Court of Appeals calendar by establishing more effective and satisfactory courts of intermediate appeal, and enlarging their power and jurisdiction. In place of the nine General Terms now existing, five in the Supreme Court and four in the Superior City Courts, we provide that the State shall be divided into four departments and that in each there shall be a tribunal composed of five justices of the Supreme Court, who shall perform substantially no other duties, and shall be the court of last resort for that department upon all questions of fact and upon all interlocutory proceedings.

The Court of Appeals is limited to its proper function of declaring and settling the law. Believing that under the operation of the proposed Appellate Division of the Supreme Court and with distribution of duties and jurisdiction above indicated strictly observed, the Court of Appeals will have no difficulty in meeting all demands upon it, we have done away with the makeshift of a second division, and have prohibited the imposition of a money limit upon the right of appeal to the Court of Appeals.

We have also abrogated the provision for judicial pensions, done away with justices of sessions, abolished the Courts of Sessions, and conferred their jurisdiction upon the County Courts, abolished Courts of Oyer and Terminer and Circuit Courts and conferred their jurisdiction upon the Supreme Court, enlarged and defined the jurisdiction of County Courts, prohibited county judges and surrogates in counties of over 120,000 inhabitants from practicing law, forbidden the Legislature to further enlarge the jurisdiction of local and inferior courts of its own creation, and in various other ways simplified and strengthened the judiciary system.

The general object of the judiciary article as proposed, is to secure the more speedy, uniform and effective administration of justice throughout the State.

15. We have so amended the present Constitution as to provide for a naval as well as a land force of militia. That the militia shall not be reduced below 10,000 men and that the Legislature shall provide for their support.

16. In order to allow every voter to exercise a choice in voting on some of the important proposed amendments, we have provided that the Revised Constitution shall be submitted to the people in three parts, viz. :

1. That making an apportionment of Senators and members of the Assembly.
2. That pertaining to the improvements of the canals.
3. All the remainder of the proposed amendments as a whole.

We submit our work to the people confident that if ratified by them, experience of its operation will show that it will be a safe and efficient organic law, competent for the present needs of this great commonwealth, and sufficient for the demands of that expanding civilization which the ensuing twenty years will witness.

H. J. COOKINHAM.

ELIHU ROOT.

ELON R. BROWN.

CHESTER B. McLAUGHLIN.

DANIEL H. McMILLAN.

M. H. HIRSCHBERG.

JOSEPH H. CHOATE.

MILO M. ACKER.

Mr. Blake moved that said address lie on the table.

Mr. President put the question on the motion to lay on the table, and it was determined in the negative.

Mr. President put the question on the adoption of said address, and it was determined in the affirmative.

Mr. Cookinham moved that the address, for publication, be authenticated by the signatures of the President and the Secretary of the Convention.

Mr. President put the question on the motion of Mr. Cookinham, and it was determined in the affirmative.

Mr. Lyon offered a resolution in words following:

Resolved, That a number of copies of the address prepared by the committee of the Convention appointed for that purpose, corresponding to the number of copies of the proposed Constitution printed, be printed for distribution with the copies of the proposed Constitution.

Mr. President put the question on said resolution, and it was determined in the affirmative.

Mr. Lester offered a resolution in the words following:

Resolved, That the Sergeant-at-Arms and two assistants to be designated by him, remain at Albany for twenty days after the final adjournment of the Convention to receive and forward mail matter addressed to the members of the Convention, to answer calls for documents and to attend to such other matters as may be required incidental to the Convention and its adjournment.

Mr. Francis moved to strike out the words "Sergeant-at-Arms" and insert "Postmaster," and it was determined in the negative.

Mr. President put the question on the resolution offered by Mr. Lester, and it was determined in the affirmative.

Mr. Root offered a resolution in words following:

Resolved, That the services of the Secretary and his assistants, and of the janitor and one messenger and one page, to be designated by the Secretary, be retained for two weeks from the adjournment of the Convention for the purpose of finishing its work under orders heretofore made, and that they be paid from the contingent fund at the same rate as heretofore.

Mr. President put the question on said resolution, and it was determined in the affirmative.

Mr. Putnam offered a resolution in words following:

That F. C. Loomis, messenger, be allowed the sum of two dollars (\$2.00) per day since May 21, 1894, for extra services performed in the document room since that date, and that the Comptroller be authorized to pay the same upon the certificate of the President.

On motion of Mr. Root, said resolution was laid on the table.

On motion of Mr. Roche:

Resolved, That the thanks of this Convention be and they hereby are tendered to the members of the Revision Committee for their painstaking, exacting and arduous labors in revising and perfecting the work of this Convention in form to be submitted to the people.

Mr. Vedder moved that when the Convention adjourn to-day it be to meet to-morrow morning at ten o'clock.

Mr. President put the question on the motion of Mr. Vedder, and it was determined in the affirmative.

Mr. Moore moved that a complete set of the Convention documents, Journal and Record be sent to the Plattsburgh High school library, and the Y. M. C. A. library, of Plattsburgh.

Mr. President put the question on the motion of Mr. Moore, and Messrs. McDonough and Smith were appointed tellers and announced the following vote: Ayes 61, noes 20, and the motion was declared carried.

On motion of Mr. Cookinham, at five o'clock, the Convention adjourned.

Saturday, September 29, 1894.

The Convention met pursuant to adjournment.

Prayer by Rev. Dr. W. C. Doane.

The Journal of Friday, September twenty-eighth, was read and approved.

Mr. Goodelle offered a resolution in words following:

Resolved, That the thanks of this Convention are due and hereby tendered to Melville Dewey, Director of the State Library, and to his assistants, for their uniform courtesy and kindness to the Delegates of the Convention during its session.

Mr. President put the question on said resolution, and it was determined in the affirmative.

Albany, September 29, 1894.

Hon. Joseph H. Choate, President Constitutional Convention:

In pursuance of a resolution adopted by the Convention, September 28, 1894, J. S. Saunders and George D. Weeks are hereby designated to remain twenty days after the final adjournment of the Convention, to perform the duties specified in said resolution.

W. W. BENNETT,
Sergeant-at-Arms.

The Secretary designated, pursuant to the resolution of September twenty-eighth, Messenger A. D. Taylor and Page J. H. Millard to remain for two weeks and assist in finishing the work of the Convention.

Mr. Putnam moved to take from the table the resolution previously offered by him in words following:

Resolved, That F. C. Loomis, messenger, be allowed the sum of two dollars per day since May 21, 1894, for extra services performed in the document room since that date, and that the Comptroller be authorized to pay the same upon the certificate of the Secretary.

Mr. President put the question on the motion to take from the table, and it was determined in the affirmative.

Mr. President put the question on said resolution, and it was determined in the affirmative.

Mr. Holls offered a resolution in words following:

Resolved, That the President and Secretary be and they are hereby authorized and directed to attest, by their signatures, the Constitution adopted by this Convention and deliver the same to the Secretary of State, as required by law.

Mr. President put the question on said resolution, and it was determined in the affirmative.

Mr. Lyon offered a resolution in words following:

Resolved, That the Secretary of this Convention be and hereby is directed to have printed such number of copies of the proposed Constitution and Address, additional to those already ordered, as may be necessary to supply members of the Convention with such number of copies for distribution as may be desired by members, not, however, exceeding in the aggregate 50,000 copies; and in the event of the demand exceeding the number of copies provided for by this and the preceding resolution relating to printing copies of the proposed Constitution for distribution, the Secretary is directed to apportion the same among the members requesting copies in such manner as may be just.

Mr. Becker moved to amend by adding at the end, "and that the Secretary cause the proposed amendments and revision to be printed in such manner that the new matter proposed by this Convention shall be distinguishable from the provisions of the present Constitution. The Secretary is hereby authorized and directed to notify the printer that this matter is entitled to precedence over all other printing of the Convention, and that it must be completed and delivered on or before October 10, 1894, or it will not be accepted or paid for."

Mr. Lyon accepted the amendment.

Mr. Durfee moved to amend by striking out that portion of the resolution relating to the designation of the exact amendments made, by printing them in italics.

Mr. President put the question on the motion of Mr. Durfee, and it was determined in the affirmative.

Mr. President put the question on the motion of Mr. Lyon, as amended, and it was determined in the affirmative.

Mr. E. A. Brown moved that the compensation of E. W. Parkhill, Financial Secretary, be increased to ten dollars a day from the date of the beginning of the session.

Mr. Spencer moved to lay said resolution on the table.

Mr. President put the question on the motion to lay on the table, and it was determined in the affirmative.

Mr. Smith offered a resolution in words following:

Resolved, That the pages of the Convention be allowed and paid at the rate of three dollars per day from May 22, 1894, and that the Comptroller pay such additional allowance to them respectively.

Mr. Spencer moved to lay said resolution on the table.

Mr. President put the question on the motion to lay on the table, and it was determined in the affirmative.

Mr. Vedder moved that the Convention take a recess until twelve o'clock.

Mr. President put the question on the motion of Mr. Vedder, and it was determined in the affirmative, and, at eleven o'clock, the Convention took a recess.

AFTERNOON SESSION.

Twelve o'clock.

The Convention again met.

Mr. Deyo in the chair.

On motion of Mr. Nicoll:

Resolved, That the thanks of the Convention be tendered to Hon. Joseph H. Choate for the ability, fairness and courtesy which have distinguished his services as President of this Convention.

On motion of Mr. Durnin:

Resolved, That the thanks of this Convention be tendered to Hon. Thomas G. Alvord and William H. Steele for their efficient services as Vice-Presidents of this Convention.

Hon. John Palmer, Secretary of State, then appeared in the Convention, and the President delivered to him, for preservation among the archives of the State, in his office, the engrossed copy

of the Revised Constitution as adopted by the Convention, duly attested by the signatures of the President and Secretary, as directed by the Convention, and the receipt of the same was duly acknowledged by the Secretary of State.

On motion of Mr. Blake:

Resolved, That the thanks of the Convention be tendered to Charles E. Fitch, Secretary, and Edward M. Johnson, Assistant Secretary, and the several clerks of the Convention, for their able and efficient services and the very satisfactory manner in which they have discharged the duties of their several offices.

The President then addressed the Convention in words following:

Gentlemen.—Before the motion to adjourn is put, it may be proper for me to say a few words to you in the nature of a farewell. It is now nearly five months since we came together and mutually interchanged our oath to perform with fidelity the duties intrusted to us as Delegates to this Convention, and I think we may look back upon that long period of protracted and arduous labor, and without any pride or boastings, with our hands upon our hearts, say that we have faithfully attempted to discharge the duties so assumed. We found great responsibility and difficult duties intrusted to us. We were to decide, in the first place, the great question whether we should devise a new Constitution for the State of New York, or merely repair, enlarge and improve that ancient structure under which its people had prospered and lived in happiness so long. There could be but one answer to that question. We had only to go over this venerable structure to discover the defects which the ravages of time had made, the improvements and additions which the progress of civilization demanded, and to apply our wisdom, so far as we might, to the work of improvement and repair.

More than four hundred amendments were proposed to it from the teeming brains, not only of Delegates, but from large numbers of citizens who thought that they could aid in the work. In my judgment, one of the greatest services that we have rendered, one of the greatest claims to the gratitude of the people of the State which we can put forth is, that of those, more than four hundred, we have adopted only thirty-three. We have demonstrated that this, at least, was a conservative Convention, mindful of the value of the experience of the past, of the precious value of the institutions which our fathers had handed down to us.

We found at the outset four or five great subjects upon which the public mind had been exercised, and in regard to which it seemed necessary that we should apply the improving hand. We have done it to the best of our ability. With one exception, all of these have received the joint support of the Delegates, I may say, without regard to political or party consideration.

There was a renovation of our judicial system, the system upon which the happiness and welfare of the people more nearly depends than upon any other part of the Constitution of the State. We have endeavored to give to the people of the State a judicial system which shall answer their purposes, at least, for the next twenty years. We believe that if they will take up the judiciary article and examine it, they will find that the object of this Convention has been successfully accomplished, namely, by means of it to bring justice home to the doors of the people throughout the State more completely, more promptly, more efficiently than it has ever been before.

And then there was our common school system, that other foundation of the civilization itself, of which the people of this State will so proudly boast. We have done much for that. We have secured the establishment throughout this State of common schools, in which all the children of the State may receive, at the public expense, an adequate education. We have guarded against that danger which had excited so much apprehension within the borders of this commonwealth, that perhaps there was already beginning, and likely to continue and to grow, a diversion of money raised by taxation for educational purposes into sectarian hands and control. All that we have successfully and, as I believe, absolutely accomplished by our educational article.

There was another subject which deeply agitated the minds of the people of this State, and that was the application of public money in the way of private charity. By many who had not carefully examined the subject it was believed to be inherently an evil which could only be cured by cutting it out by the roots. We have, through our Charities Committee, most carefully examined that question, and I think we came to the conclusion that the system which the State had deliberately adopted and carefully followed now for more than twenty years, of employing the aid of honest, faithful, devoted private charitable institutions for the care of certain wards of the State that could not otherwise be as well cared for, ought not to be departed from; but at the same time there were abuses incident to the conduct of that mode of charity

which, at least, there should be a stop put to, and we have deprived the Legislature of all compulsory power in the matter. Hereafter, if this Constitution is adopted, no subordinate division of the State can be compelled by the central power of the State to devote a dollar of its money against its will to any particular form of charity. Besides that we have secured the regulation of the State Board of Charities to this effect: That wherever any public money is devoted to a private charity for the public service, it shall continue under public control, and the vigilant eye and the strong arm of the people shall be able to follow every dollar of the public money into every institution to which it is so devoted.

There is one subject of vast importance upon which we have not been able in like manner to agree without distinction of political preferences. But this, let me say, that while, as I believe, upon the one side happen to be the majority, the scheme of apportionment has been devised with a pure and patriotic eye for the public good, believing that the best welfare of all the people of this State demanded it. We give credit for equal good faith, equal honesty, equal patriotism to those in this Convention who cannot accept that view, and who believe, in other words, that it is unnecessary, unwise and effective with political and partisan spirit. Gentlemen, upon that subject we have agreed to disagree, and we lay our work before the people separately, and, in my judgment, it was a most magnanimous and generous act on the part of the majority of this body to separate that political question from all the others that are non-political, and to not attempt, as it would not have been right or fair to attempt, to say to the voters of this State: If you wish to have these wise and great and useful reforms that this Constitution contains, you could only have them at the price of voting for this apportionment scheme, and, on the other hand, to say to them, you could only have this apportionment scheme by voting for these ten, twenty, thirty constitutional amendments, as to many of which you may have personal and honest objections.

In the remarks which I had the pleasure to address to you on the opening of this Convention, I referred to these subjects as those which were of great, pressing and special importance. Besides these we have been able to contribute many other wise provisions of reforms which it is no time for me now to enumerate. I believe if they are adopted they will contribute to the welfare of the people of this State and it seems to me that it is the duty of the members of this Convention who have taken such an active, such an ardent, such a patriotic part in framing and

passing them, to go their way among the people, explaining, instructing, advocating these various measures intended for the public good, so that when the sixth day of November comes our people throughout the length and breadth of the State will at least understand our work, and if they like it, they will approve of it.

Gentlemen, I have to thank you for all your kindness and courtesy to me throughout all the trying days of this Convention. I was aware, from the beginning to the end, of my inadequacy for the duties that you had imposed upon me. The friendships that I have formed in this body will last throughout my life. I thank you for your special kindness manifested an hour ago. It overwhelmed me with emotions of gratitude. And let me, in closing, express the fond hope that all the members of this Convention may look with pride and satisfaction each upon his own labors in this Convention, that it will be to him to the last moment of his life a precious honor to have occupied a seat and have his name enrolled upon its list. I trust, gentlemen, you may go away to your various homes and enjoy to the end of your days, peace, prosperity and happiness.

Mr. Vedder moved that the Convention now adjourn sine die.

Mr. President put the question on the motion of Mr. Vedder, and it was determined in the affirmative, and the Convention adjourned sine die.

JOSEPH HODGES CHOATE,

President.

CHARLES ELLIOTT FITCH, Secretary.

EDWARD McMILLAN JOHNSON,

MARCUS MARCELLUS CASS, JR.,

JAMES CALHOUN SHELDON,

EMMIT WILLIAM PARKHILL,

Assistant Secretaries.

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EDWARD M. JOHNSON, Editor.

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